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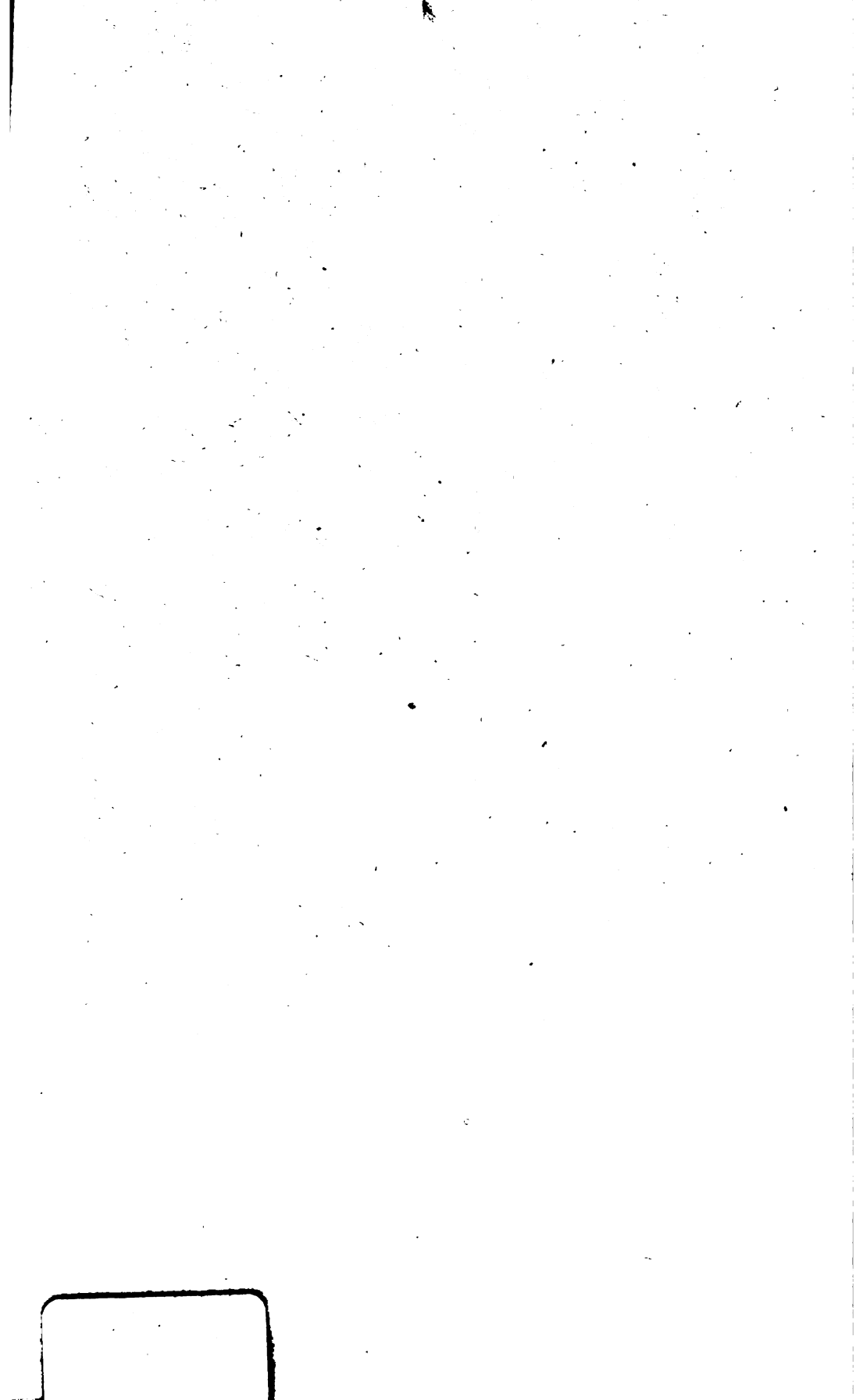
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Michigan, Laws, statutes, etc.

9-5-5-9

THE
COMPILED LAWS

OF THE
STATE OF MICHIGAN.

COMPILED AND ARRANGED

UNDER AN ACT OF THE LEGISLATURE, APPROVED JANUARY 25, 1871.

HON. JAMES S. DEWEY, COMPILER.



VOL. I.

LANSING:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
1872.

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PREFACE.

THE law under which the Compiler has arranged and compiled the general laws of this State was passed by the Legislature on the 25th day of January, A. D. 1871; the Legislature adjourned on the 18th day of April following, and the volume of the general laws of that session was not printed and issued in time to admit of much progress in the work of compiling until June last.

The printers and binders, in order to complete their portion of the work within the time allowed and directed by the act, felt that it would be necessary to commence printing as early as September, and it was a work of no small magnitude to accomplish in the short time allowed for that purpose.

Any one at all familiar with the condition of our laws at that time will fully appreciate and understand the difficulties under which the Compiler labored to bring order out of confusion, and make anything like a logical and legal arrangement of the general laws now in force; and while perfection has been *aimed* at, it is not claimed that such a desirable end has been attained in this work.

The general plan of the Compilation of 1857 has been followed, with a few unimportant exceptions, chiefly on account of the intrinsic merit of that arrangement, and for the further reason that it has been so long familiar to the people of the State, and has commanded such universal approval, that no light reasons would justify a departure from it.

It is proper here to state that the Compiler, in searching and examining the general laws *in force*, has not gone *behind* the Compilation of 1857, taking it for granted that all the general laws then in force were brought into, arranged, and made a part of that work.

To the preliminary chapters of the first volume has been added the "Extradition Treaty" between this country and Great Britain, which seemed to the Compiler of practical value to the profession of this State.

The additional marginal citations of adjudicated cases, where the courts have commented upon or construed our own or similar statutes, are such as the Compiler has been able to collect in the course of his practice, on the hearing and trial of causes

while on the Bench, and from his brethren in the profession, to many of whom the Compiler acknowledges numerous and kindly courtesies and assistance, which have materially aided him in the prosecution of this portion of his labors; and while they are not by any means as full and complete as could be wished, for the want of both *time* and *space*, it is hoped that the labor and time devoted to it may be of some service to the profession.

The Compiler would here express his many obligations to the Commissioners for their prompt action in the discharge of their duties under the law, and for their valuable assistance in the general arrangement of the laws under their appropriate heads and titles; and it is hoped that the object contemplated by the Legislature in their enactment has been substantially accomplished.

JAMES S. DEWEY.

PONTIAC, February 1, 1872.

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PRELIMINARY CHAPTERS.



DECLARATION OF INDEPENDENCE.

UNANIMOUSLY PASSED BY THE CONGRESS OF THE THIRTEEN UNITED STATES OF AMERICA, JULY 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right—it is their duty—to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in time of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefit of trial by jury;

For transporting us beyond seas, to be tried for pretended offenses;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries, to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their Legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice, and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the Representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; that they

are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLET,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE.
ELBRIDGE GERRY.

Rhode Island.

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New York.

WILLIAM FLOYD,
PHILLIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

Maryland.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL, of Carrollton.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, Jr.,
CARTER BRAXTON,

JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

New Jersey.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN PENN.

Delaware.

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

North Carolina.

WILLIAM HOOPER,
JOSEPH HEWES.

South Carolina.

EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

CONSTITUTION

OF

THE UNITED STATES.

ARTICLE I.

SECTION

1. Of the Legislative power.
2. House of Representatives; Qualification of members; Apportionment of Representatives and Direct Taxes; Census; First Apportionment; Vacancies; Officers of the House.
3. Senate; Classification of Senators; Qualifications of; Vice President to preside; other Officers; Impeachments.
4. Election of members of Congress; Meetings of Congress.
5. Powers of each House; Expulsion of members; Journal; Adjournments.
6. Compensation, privileges, and disabilities of members.
7. Revenue bills; How bills passed and sanctioned.
8. General powers of Congress.
9. Certain limitations of the powers of Congress.
10. Limitations of the powers of individual States.

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1. Of the Executive power; Electors, how and when chosen; Qualifications of President; When powers of to devolve upon Vice President; Compensation and oath of President.
2. Powers and duties of President; Making of Treaties; Power of Appointment.
3. Other powers and duties.
4. Officers liable to Impeachment.

ARTICLE III.

SECTION

1. Of the Judicial power.
2. Extent of the Judicial power; Jurisdiction of the Supreme Court; Trials for Crimes.
3. Treason defined; Trial for, and punishment.

ARTICLE IV.

1. Of State Records.
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3. Admission of new States; Power of Congress over Territory.
4. Republican form of Government guaranteed to the several States.

ARTICLE V.

1. How Constitution may be amended.

ARTICLE VI.

1. Of the Public Debt; Constitution to be supreme law of the land; Constitutional oath of office; Religious test prohibited.

ARTICLE VII.

1. Ratification.

AMENDMENTS.

ARTICLE

1. Right of Conscience; Rights to freedom of Speech and of the Press; Right of Petition.
2. Right to bear Arms.
3. Quartering of Soldiers.
4. Unreasonable Searches and Seizures; Search Warrants.

AMENDMENTS.

ARTICLE

5. Rights of persons charged with Crimes; Private Property.
6. Trials in Criminal Cases, and rights of the Accused.
7. Trials by Jury in Civil Cases.
8. Excessive bail, fines, and punishments.
9. Construction of Constitution.
10. Of Powers reserved to the States.
11. Construction of Judicial Powers.
12. Manner of electing President and Vice President; Qualification of Vice President.
13. Slavery and Involuntary Servitude prohibited, except as a Punishment for Crime.

AMENDMENTS.

ARTICLE

14. Defining who are Citizens of the United States; no State shall deprive any person of Life or Property without due Process of Law, nor deny to any person within its Jurisdiction the equal Protection of its Laws; Apportionment of Representatives; Basis of Representation; Conditional Prohibition to hold certain Offices; Validity of the Public Debt authorized by Law shall not be questioned; Neither the United States nor any State shall assume or pay any Debt or Obligation in aid of Insurrection or Rebellion against the United States.
15. Right of Citizens to Vote without regard to Race, Color, or previous condition of Servitude.

Preamble.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

Legislative power.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

House of Representatives, and qualifications of electors.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Of Representatives.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of representatives; ratio of representation; first apportionment.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be

made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

4. When vacancies happen in the representation from any State, Vacancies. the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker Officers of the House. and other officers, and shall have the sole power of impeachment.

SECTION III.

1. The Senate of the United States shall be composed of two Senate; each Senator a vote. Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be Senators classed when seats vacated and filled; vacancies and appointments. vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to Qualifications of Senators. the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President President of the Senate. of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President Officers. *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. Impeachments. When sitting for that purpose, they shall be on oath or affirma-

tion. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Extent of judgment.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

Elections, how regulated.

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Meetings of Congress.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each House to judge of its members; quorum.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

To determine its own rules.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

To keep and publish journal of proceedings.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Adjournment.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

Compensation; privilege.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest

during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Their disability to hold offices.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Revenue bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days—Sundays excepted—after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

President to sign bill, etc.; proceedings on bills returned by President.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary,—except on a question of adjournment,—shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Joint resolutions, except for adjournment, to receive the same sanction as bills.

SECTION VIII.

The Congress shall have power:

Powers of Congress to lay taxes.

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

Loans.

2. To borrow money on the credit of the United States:

Commerce.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

Naturalization—bankruptcy.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

Money.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

Counterfeiting.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

Postoffices.

7. To establish postoffices and post-roads:

Science.

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

Tribunals; piracies; felonies.

9. To constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

War.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

Army.

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

Navy.

12. To provide and maintain a navy:

Land and naval forces.

13. To make rules for the government and regulation of the land and naval forces:

Militia.

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

Disciplining the militia.

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

Exercise exclusive legislation in certain cases.

16. To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may by cession of particular States, and the acceptance of Congress, become the Seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the

State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings: and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. Laws necessary for the execution of their powers.

SECTION IX.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person. Importation of certain persons not to be prohibited until after 1808.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. Writ of habeas corpus.

3. No bill of attainder, or *ex-post-facto* law, shall be passed. Attainder.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken. Direct tax.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another. Of commerce from the States, etc.

6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. Of expenditures.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State. No title of nobility to be granted, etc.

SECTION X.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts; or grant any title of nobility. Powers prohibited to the individual States.

Powers which the States can exercise only under the sanction of Congress.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

Executive power

1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Electors of President and Vice President.

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Meeting of the electors; their proceedings.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the Presi-

¹ Annulled; see amendments, article 12.

dent. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States. Time of choosing electors.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States. Qualifications for President.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected. In case of vacancy, Vice President to act.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them. Compensation of the President.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation: Oath of the President.

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into actual service of the United States; he may require the opinion, in writing, of the principal officer in each of Powers of the President.

the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

His power to make treaties, to appoint ambassadors, consuls and, other officers.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Power to fill vacancies.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

Duties of President.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

Officers liable to impeachment.

1. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

Judicial power.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services

a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects. Extent of judicial power.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make. See amendment XI.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed. Jurisdiction of Supreme Court.

SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. Treason.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted. Congress to declare its punishment.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which Credit to be given in each State to the acts of other States.

such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

Reciprocity of
citizens.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Criminals to be
delivered up.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Persons held to
service to be de-
livered up.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

Admission of
new States.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

Congress to have
power over ter-
ritory.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

Republican form
of government
guaranteed to
each State.

1. The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, when the Legislature cannot be convened, against domestic violence.

ARTICLE V.

Mode of amend-
ing this Consti-
tution.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as

part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. Assumption of former debts.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding. Constitution to be the supreme law of the land; the State Judges bound thereby.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States. Certain officers to take oath to support this Constitution; no religious test.

ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same. How ratified.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
PRESIDENT, AND DEPUTY FROM VIRGINIA.

IN CONGRESS, SATURDAY, SEPT. 18, 1788.

On the question to agree to the following proposition, it was resolved in the affirmative, by the unanimous votes of nine States, viz: of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, and Georgia:

Constitution declared to be ratified.

WHEREAS, The Convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st February, 1787, did, on the 17th of September, in the same year, report to the United States, in Congress assembled, a Constitution for the United States; whereupon Congress, on the 28th of the same September, did resolve unanimously, "That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case;" and whereas, the Constitution so reported by the convention, and by Congress transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress, and are filed in the office of the Secretary; therefore,

Government to go into operation

Resolved, That the first Wednesday in January next be the day for appointing electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.

A M E N D M E N T S .

The following amendments, from Articles 1 to 10 inclusive, were proposed at the first session of the first Congress of the United States, which was begun and held at the City of New York, on the 4th of March, 1789, and were adopted by the requisite number of States:

Preamble and resolution which preceded the original proposition of the amendments.

Congress of the United States, begun and held at the city of New York, on Wednesday, the 4th of March, 1789. The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent

misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution :

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, namely :

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Restrictions of the powers of Congress.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

People may keep arms.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Quartering of soldiers.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Search warrants.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger;

Proceedings against persons charged with crimes; their rights.

nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, **Private property** or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

Rights of the accused.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

Right of trial by jury.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail, etc.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Construction of Constitution.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Reserved powers

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

Proposed at the Second Session of the Third Congress.

Construction of judicial powers.

The judicial powers of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

Proposed at the First Session of the Eighth Congress.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in case of the death or other constitutional disability of the President.

Mode of electing President and Vice President of the United States—choosing President.

2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

Vice President.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Qualification.

ARTICLE XIII.

Proposed at the Second Session of the Thirty-eighth Congress.

Slavery and involuntary servitude prohibited, except as a punishment for crime.

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

Proposed at the First Session of the Thirty-ninth Congress.

Defining who are citizens of the United States

No State shall deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives.

Basis of representation.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Conditional prohibition to hold certain offices.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.
5. That Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Validity of the public debt authorized by law, shall not be questioned.

Neither the United States nor any State shall assume or pay any debt or obligation in aid of insurrection or rebellion against the United States.

ARTICLE XV.

Proposed at the First Session of the Forty-first Congress.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.
2. Congress shall have power to enforce this article by appropriate legislation.

Right of citizens to vote without regard to race, color, or previous condition of servitude.

GOVERNMENT
OF THE
NORTHWEST TERRITORY.

AN ORDINANCE

FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED
STATES, NORTHWEST OF THE RIVER OHIO.

IN CONGRESS, JULY 13, 1787.

1. *Be it ordained by the United States, in Congress assembled,* Blair & Duane's
ed. Laws U. S.,
v. 1, p. 473. That the said Territory, for the purposes of temporary government,
be one district, subject, however, to be divided into two districts,
as future circumstances may, in the opinion of Congress, make it
expedient.

2. *Be it ordained by the authority aforesaid,* Rules of inheritance; personal
property. That the estates, both of resident and non-resident proprietors in the said Territory,
dying intestate, shall descend to and be distributed among their
children, and the descendants of a deceased child, in equal parts;
the descendants of a deceased child or grandchild to take the
share of their deceased parent, in equal parts among them; and
where there shall be no children or descendants, then in equal
parts to the next of kin, in equal degree; and among collaterals,
the children of a deceased brother or sister of the intestate shall
have in equal parts among them their deceased parent's share; and
there shall, in no case, be a distinction between kindred of the
whole and half blood; saving in all cases to the widow of the
intestate her third part of the real estate for life, and one-third
part of the personal estate; and this law relative to descents and
dower shall remain in full force until altered by the Legislature
of the district. And until the Governor and Judges shall adopt

laws, as hereinafter mentioned, estates in the said Territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be,—being of full age,—and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, such conveyances be acknowledged, or the execution thereof be duly proved and recorded, within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskia, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Governor.

3. *Be it ordained by the authority aforesaid,* That there shall be appointed from time to time, by Congress, a Governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress. He shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

Secretary; Supreme Court.

4. There shall be appointed from time to time, by Congress, a Secretary, whose commission shall continue in force for four years, unless sooner revoked. He shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the Governor in his executive department; and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall be in force during good behavior.

Adoption and publication of laws

5. The Governor and Judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time; which laws shall be in force in the district until the organ-

ization of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

6. The Governor for the time being shall be Commander-in-Officers of militia Chief of the militia, appoint and commission all officers in the same, below the rank of general officers. All general officers shall be appointed and commissioned by Congress.

7. Previous to the organization of the General Assembly, the Civil officers. Governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the Governor.

8. For the prevention of crimes and injuries, the laws to be Civil divisions of the district. adopted or made shall have force in all parts of the district; and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships; subject, however, to such alterations as may thereafter be made by the Legislature.

9. So soon as there shall be five thousand free male inhabitants Representative government; General Assembly. of full age in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect Representatives from their counties or townships to represent them in the General Assembly; *Provided*, That for every five hundred free male inhabitants, there shall be one Representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of Representatives shall amount to twenty-five, after which the number and proportion of Representatives shall be regulated by the Legislature: *Provided*, That no person be eligible or qualified to act as a Representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: *Provided also*, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold

and two years' residence in the district, shall be necessary to qualify a man as an elector of a Representative.

Term of service;
vacancies, how
filled.

10. The Representatives thus elected shall serve for the term of two years; and in case of the death of a Representative, or removal from office, the Governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

Constitution of
the legislative
power; vacancies
how filled; Gov-
ernor's assent to
bills.

11. The General Assembly, or Legislature, shall consist of the Governor, Legislative Council and a House of Representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum. And the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as Representatives shall be elected, the Governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the Council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of Council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the Council five years, unless sooner removed. And the Governor, Legislative Council, and House of Representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the House, and by a majority in the Council, shall be referred to the Governor, for his assent; but no bill or legislative act whatever shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

Oath of office;
Delegate to Con-
gress.

12. The Governor, Judges, Legislative Council, Secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the Governor before the President of Congress, and all other officers before the

Governor. As soon as a Legislature shall be formed in the district, the Council and House, assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws, and Constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said Territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal Councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, Articles of compact.
That the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I.

No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments, in the said Territory. Religious worship.

ARTICLE II.

The inhabitants of the said Territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said Territory, that shall in any manner what- The writ of habeas corpus; bail; fines; compensation for property taken for public service; laws not to affect private contracts.

ever interfere with or affect private contracts or engagements, *bona fide*, and without fraud, previously formed.

ARTICLE III.

Education; In-
dians.

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent, and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars, authorized by Congress; but laws, founded in justice and humanity, shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

States to remain
part of Confede-
racy; debts and
expenses of Gov-
ernment; navi-
gable waters.

The said Territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said Territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of these districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands, the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said Territory, as to the citizens of the United States,

and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said Territory not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: the western State in the said Territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north to the Territorial Line between the United States and Canada; and by the said Territorial Line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said Territorial Line, and by the said Territorial Line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said Territorial Line: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent Constitution and State Government: *Provided*, the Constitution and Government so to be formed shall be Republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interests of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

States, how to be formed in the territory; boundary of western State; middle State; eastern State; when admitted into the Union; proviso.

ARTICLE VI.

There shall neither be slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is

slavery prohibited; proviso.

lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid.

Resolutions re-
pealed.

Be it ordained by the authority aforesaid, That the resolutions of the twenty-third of April, one thousand seven hundred and eighty-four, relative to the subject of this ordinance, be and the same are hereby repealed and declared null and void.

AN ACT

TO PROVIDE FOR THE GOVERNMENT OF THE TERRITORY
NORTHWEST OF THE RIVER OHIO.

IN CONGRESS, AUGUST 7, 1789.

1 Story's Laws
of U. S., p. 82,
ch. 8.

WHEREAS, In order that the ordinance¹ of the United States in Congress assembled for the government of the territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States:

Governor to
make commun-
ication to Pres-
ident of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in which by the said ordinance any information is to be given, or communication made, by the Governor of the said Territory, to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said Governor to give such information, and to make such communication to the President of the United States; and the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint all officers which, by the said ordinance, were to have been appointed by the United States, in Congress assembled; and all officers, so appointed, shall be commissioned by him; and, in all cases where the United States, in Congress assembled, might by the said ordinance revoke any commission, or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

President and
Senate to appoint
Territorial off-
icers.

President to
commission and
remove.

In case of death,
removal, etc.,
the Secretary to
execute the pow-
ers of Governor
during the va-
cancy.

SEC. 2. *And be it further enacted,* That in case of the death, removal, resignation, or necessary absence of the Governor of the said Territory, the Secretary thereof shall be and he is hereby authorized and required to execute all the powers and perform all

¹ See act of 1800, ch. 41, act of 1802, ch. 40, act of 1804, ch. 80.

the duties of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence of the said Governor.

AN ACT

RESPECTING THE GOVERNMENT OF THE TERRITORIES OF
THE UNITED STATES, NORTHWEST AND SOUTH OF
THE RIVER OHIO.

IN CONGRESS, MAY 8, 1792.

SECTION 1. *Be it enacted, etc.*, That the laws of the Territory northwest of the Ohio, that have been or hereafter may be enacted by the Governor and Judges thereof, shall be printed, under the direction of the Secretary of State, and two hundred copies thereof, together with ten sets of the laws of the United States, shall be delivered to the said Governor and Judges, to be distributed among the inhabitants for their information, and that a like number of the laws of the United States shall be delivered to the Governor and Judges of the Territory southwest of the river Ohio.

1 Story's Laws
U. S. p. 268, ch.
42. Laws of the
Territory north
west of the riv-
er Ohio, to be
printed, etc., 200
copies and 10 sets
of the laws of
the United States
to be delivered,
etc

SEC. 2. That the Governor and Judges of the Territory northwest of the river Ohio shall be and hereby are authorized to repeal their laws, by them made, whensoever the same may be found to be improper.

Governor and
Judges of the
Territory north-
west of the Ohio
authorized to
repeal their laws.
etc.

SEC. 3. That the official duties of the Secretaries of the said Territories shall be under the control of such laws as are or may be in force in the said Territories.

Official duties of
Secretaries, un-
der the control
of Territorial
laws.

SEC. 4. That any one of the Supreme or Superior Judges of the said Territories, in the absence of the other Judges, shall be and hereby is authorized to hold a court.

One Supreme or
Superior Judge
may hold court
in the absence of
the others.

SEC. 5. That the Secretary of State provide proper seals for the several and respective public offices in the said Territories.

The Secretary of
State to provide
seals for the Ter-
ritorial offices.

SEC. 6. That the limitation act, passed by the Governor and Judges of the said Territory, the twenty-eighth day of December, one thousand seven hundred and eighty-eight, be and hereby is disapproved.

The limitation
act passed by the
Governor and
Judges disap-
proved.

[The seventh section of the above act contains only a special provision.]



GOVERNMENT
OF
MICHIGAN TERRITORY.

AN ACT

TO DIVIDE THE INDIANA TERRITORY INTO TWO SEPARATE
GOVERNMENTS.

[IN CONGRESS, JANUARY 11, 1800.]

SECTION 1. *Be it enacted, etc.,* That from and after the thirtieth day of June next, all that part of the Indiana Territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purpose of temporary government, constitute a separate Territory, and be called Michigan.

2 Story's Laws
U. S., p. 957, ch.
66. That part of
Indiana herein
described to con-
stitute a sepa-
rate Territory,
and be called
Michigan.

SEC. 2. That there shall be established within the said Territory a Government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the Territory of the United States northwest of the river Ohio, and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, entitled "An act to provide for the government of the Territory northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy, all and singular the rights, privileges and advantages granted and secured to the people of the Territory of the United States northwest of the river Ohio by the said ordinance.

A government
to be established
similar to that
provided by the
ordinance and
act referred to,
etc. Act of
1789, ch. 8.

The inhabitants
to be entitled to
rights secured
by ordinance.

The officers for the Territory, etc., to exercise the same powers, perform the same duties, etc., as provided, etc.

Duties and emoluments of Superintendent and Governor united.

Nothing in this act to affect the government of Indiana, further than to prohibit, etc.

Suits, etc., pending in the court of any county, etc., or removed from any county, etc., to be proceeded on, and judgments, etc., rendered, as if Indiana had remained undivided.

Detroit to be the seat of government until, etc.

SEC. 3. That the officers for the said Territory who, by virtue of this act, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana Territory; and the duties and emoluments of Superintendent of Indian Affairs shall be united with those of Governor.

SEC. 4. That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana Territory, further than to prohibit the exercise thereof within the said Territory of Michigan, from and after the aforesaid thirtieth day of June next.

SEC. 5. That all suits, process, and proceedings, which, on the thirtieth day of June next, shall be pending in the court of any county which shall be included within the said territory of Michigan; and also, all suits, process, and proceedings, which, on the said thirtieth day of June next, shall be pending in the General Court of the Indiana Territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the Territory of Michigan aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana Territory had remained undivided.

SEC. 6. That Detroit shall be the seat of government of the said Territory, until Congress shall otherwise direct.

ADMISSION
OF
MICHIGAN TO THE UNION.

AN ACT

TO ESTABLISH THE NORTHERN BOUNDARY LINE OF THE
STATE OF OHIO, AND TO PROVIDE FOR THE ADMIS-
SION OF THE STATE OF MICHIGAN INTO THE
UNION, UPON THE CONDITIONS THERE-
IN EXPRESSED.

IN CONGRESS, JUNE 15, 1836.

Be it enacted by the Senate and House of Representatives of the Northern bound-
ary line of Ohio
established.
United States of America, in Congress assembled, That the
northern boundary line of the State of Ohio shall be established
at, and shall be a direct line drawn from, the southern extremity
of Lake Michigan, to the most northerly cape of the Maumee
(Miami) bay, after that line so drawn shall intersect the eastern
boundary line of the State of Indiana, and from the said north
cape of the said bay, northeast to the boundary line between the
United States and the Province of Upper Canada, in Lake Erie;
and thence, with the said last mentioned line, to its intersection
with the western line of the State of Pennsylvania.

SEC. 2. *And be it further enacted, That the Constitution and* Constitution of
Michigan ratified
State government which the people of Michigan have formed
for themselves be, and the same is hereby accepted, ratified,
and confirmed, and that the said State of Michigan shall be,
and is hereby declared to be, one of the United States of
America, and is hereby admitted into the Union upon an equal
footing with the original States, in all respects whatever:
Provided always, And this admission is upon the express condi- Proviso; condi-
tions of admis-
sion into the
Union.
tion, that the said State shall consist of, and have jurisdiction

Boundaries of
Michigan.

over, all the territory included within the following boundaries, and over none other, to wit: Beginning at the point where the above described northern boundary of the State of Ohio intersects the eastern boundary of the State of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of this act, until it intersects the boundary line between the United States and Canada, in Lake Erie; thence with the said boundary line between the United States and Canada, through the Detroit river, Lake Huron, and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior, to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal, to the middle of the Lake of the Desert; thence in a direct line to the nearest head-water of the Menominee river; thence through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menominee river; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay, to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east, with the north boundary line of the said State of Indiana, to the northeast corner thereof; and thence south, with the east boundary line of Indiana, to the place of beginning.

Consent of Michigan required to boundaries above described.

SEC. 3. *And be it further enacted*, That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of said State for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with the original States, in all respects whatever, shall be considered as complete, and the Senators and Representatives who have been elected by the said State as its representatives in the Congress of the United States, shall be entitled to take their seats

in the Senate and House of Representatives respectively, without further delay.

SEC. 4. *And be it further enacted*, That nothing in this act contained, or in the admission of the said State into the Union as one of the United States of America, upon an equal footing with the original States in all respects whatever, shall be so construed or understood as to confer upon the people, Legislature, or other authorities of the said State of Michigan, any authority or right to interfere with the sale by the United States, and under their authority, of the vacant and unsold lands within the limits of the said State; but that the subject of the public lands, and the interests which may be given to the said State therein, shall be regulated by future action between Congress on the part of the United States, and the said State, or the authorities thereof; and the said State of Michigan shall in no case, and under no pretense whatsoever, impose any tax, assessment, or imposition of any description, upon any of the lands of the United States within its limits.

Public lands of
U. S. in Michi-
gan.

AN ORDINANCE

RELATIVE TO CERTAIN PROPOSITIONS MADE BY THE
CONGRESS OF THE UNITED STATES TO THE LEG-
ISLATURE OF THE STATE OF MICHIGAN.

WHEREAS, The Congress of the United States did pass an act, approved the twenty-third day of June, one thousand eight hundred and thirty-six, making certain propositions for the acceptance or rejection of the Legislature of the State of Michigan, which said act is herein inserted, in the following words, to wit:

Preamble.
Laws of 1836, p.
57.

"An act supplementary to an act entitled 'An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, on certain conditions therein expressed.'

Act of Congress,
23d June, 1836.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in lieu of the propositions submitted to the Congress of the United States by an ordinance passed by the Convention of Delegates at Detroit, assembled for the purpose of making a Constitution for the State of Michigan, which are hereby rejected, that the

Propositions of
the U. S.

following propositions be, and the same are hereby offered to the Legislature of the State of Michigan, for their acceptance or rejection, which, if accepted under the authority conferred on the said Legislature by the Convention which framed the Constitution of the said State, shall be obligatory upon the United States.

School lands.

First, That section numbered sixteen in every township of the public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

University lands

Second, That the seventy-two sections of land set apart and reserved for the support of a University by an act of Congress approved on the twentieth of May, eighteen hundred and twenty-six, entitled "An act concerning a seminary of learning in the Territory of Michigan," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such University, in such manner as the Legislature may prescribe: *And provided also*, That nothing herein contained shall be so construed as to impair or affect in any way the rights of any person or persons claiming any of said seventy-two sections of land, under contract or grant from said University.

Proviso.

Lands for the erection of public buildings.

Third, That five entire sections of land, to be selected and located under the direction of the Legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or for the erection of public buildings at the seat of government of the said State, as the Legislature may determine and direct.

Salt springs, and lands contiguous

Fourth, That all salt springs within the State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the said State for its use, the same to be selected by the Legislature thereof, on or before the first of January, eighteen hundred and forty; and the same, when so selected, to be used on such terms, conditions, and regulations, as the Legislature of the said State shall direct: *Pro-*

Further proviso.

vided, That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall by this section be granted to said State: *And provided also*, That the general assembly shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.

Fifth. That five per cent of the net proceeds of the sales of all public lands lying within the said State, which have been or shall be sold by Congress, from and after the first day of July, eighteen hundred and thirty-six, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the Legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the Legislature of the said State, by virtue of the powers conferred upon it by the Convention which framed the Constitution of the said State, shall provide by an ordinance, irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively." Therefore,

Five per cent from the sale of public lands.

Proviso.

Of the sale of U. S. lands within the State.

Exemptions from taxation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the five propositions offered to the said Legislature in the above recited act be and each and every of them are hereby accepted "under the authority conferred on said Legislature by the Convention which framed the Constitution of said State," and for the purposes of complying with the conditions in the proviso to the fifth proposition contained in the above recited act, and by virtue of the powers conferred upon the said Legislature of said State by the Convention aforesaid, the following ordinance is declared to be irrevocable without the consent of the United States:

Acceptance of the propositions of the U. S.

Ordinance declared irrevocable without the consent of the U. S.

Be it ordained by the Senate and House of Representatives of the State of Michigan, That the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on land the property of the United States, and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted,

The State will not interfere with sale of lands

No taxes to be levied on lands of United States

Non-resident not
taxed higher
than resident
lands.
Bounty lands
exempted from
taxation for
three years.

or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively.

New proposition
submitted to
Congress.

And be it further ordained by the authority aforesaid, That the following propositions be submitted to the Congress of the United States, which, if assented to by that body, shall be obligatory on this State: Not less than five hundred thousand acres of the unappropriated lands lying within said State shall be designated under the direction of the Legislature, and granted the State for the purposes of internal improvement. Said land, or the proceeds

Lands to be ap-
propriated for
roads and canals

of the sale thereof, shall be appropriated to aid the State in constructing one or more railroads or canals across the peninsula, from Lake Erie or Detroit river to Lake Michigan, and also to aid in the construction of such other roads and canals, and the improvement of such rivers, as the Legislature may designate.

One section of
land for each
mile of certain
proposed roads.

That for the construction of a road from the mouth of Ontonagon river of Lake Superior, to the mouth of Menominee river of Green Bay, or some river of Green Bay north of said Menominee river, thence to the Sault Ste. Marie, to be located under the direction of the Legislature, one section of land for each mile of said road shall be granted to said State, and all roads commenced by the United States and remaining unfinished in the State shall be completed and put in repair at the expense of the United States.

Approved July 25, 1836.

ASSENT

OF THE STATE OF MICHIGAN TO THE ACT OF CONGRESS OF
JUNE FIFTEENTH, EIGHTEEN HUNDRED AND THIRTY-
SIX, GIVEN IN CONVENTION AT ANN ARBOR, ON THE
FIFTEENTH DAY OF DECEMBER, EIGHTEEN
HUNDRED AND THIRTY-SIX.

Preamble.

WHEREAS, By an act of Congress of June the fifteenth, one thousand eight hundred and thirty-six, the Constitution and State government which the people of Michigan have formed for themselves is accepted, ratified, and confirmed: and whereas, the admission of the State of Michigan into the Union, as one of the United

States, is provided by the said act to be upon the express condition, "that the said State shall consist of and have jurisdiction over all the territory included within the following boundaries, and over none other, to wit: Beginning at the point where the described northern boundary of the State of Ohio intersects the eastern boundary of the State of Indiana, and running thence with the said boundary line of Ohio, as described in the first section of the said act, until it intersects the boundary line between the United States and Canada, in Lake Erie; thence with the said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river, thence through the middle of the main channel of said Montreal river, to the middle of the Lake of the Desert; thence in a direct line to the nearest head-water of the Menominee river; thence through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menominee river; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay, to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, one thousand eight hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the northeast corner thereof, and thence south with the east boundary line of Indiana to the place of beginning:" and whereas, as a compliance with the condition of admission prescribed in the said act, it is provided and required in the said act that the above described boundaries of the State of Michigan shall receive the assent of a convention of delegates, elected by the people of the said State for the sole purpose of giving such assent: and whereas, no authority is designated in said act of Congress, by which such convention of delegates shall be called or convened, but in the third section of said act the right of the people of Michigan to elect said delegates without any previous action of their constituted authorities is clearly recognized and manifest: and whereas this Convention originated with, and speaks the voice of a great majority of the people of Michigan: and whereas, it is provided and enacted in the said act, that as soon as the assent therein required shall be given, the President of the United States shall announce the same

by proclamation; and thereupon, and without any further proceedings on the part of Congress, the admission of said State into the Union as one of the United States of America, on an equal footing with the original States in all respects whatever, shall be considered as complete:

Assent.

Now, although this Convention are of opinion that the Congress of the United States had no constitutional right to require the assent aforesaid as a condition preliminary to the admission of the said State into the Union, nevertheless, as the Congress have required such assent to the said condition, and as the interest and prosperity of the State will be greatly advanced by an immediate admission into the Union as one of its sovereignties, and the people of the said State are solicitous to give to her sister States and to the world unequivocal proof of her desire to promote the tranquility and harmony of the Confederacy, and to perpetuate the unity, liberty, and prosperity of the country; therefore, *Be it resolved by the People of Michigan, in Convention assembled*, That the assent required in the foregoing recited act of the Congress of the United States is hereby given.

This done in convention at Ann Arbor, this fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States of America the sixty-first.

A N A C T

TO ADMIT THE STATE OF MICHIGAN INTO THE UNION
UPON AN EQUAL FOOTING WITH THE ORIGINAL
STATES.

IN CONGRESS, JANUARY 26, 1837.

Preamble.

WHEREAS, In pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan for the sole purpose of giving their assent to the boundaries of the said State of Michigan, as described, declared, and established in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act; therefore:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* Admission of Michigan into the Union.
That the State of Michigan shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury, in carrying into effect the thirteenth and fourteenth sections of the act of the twenty-third of June, eighteen hundred and thirty-six, entitled, "An act to regulate the deposits of the public money," shall consider the said State of Michigan as being one of the United States. To be considered a State in carrying into effect the act relative to deposits.

EXTRADITION.

I. GENERAL PROVISIONS.

1. By whom warrants may be issued. Hearing. Evidence to be certified to the Secretary of State. Commitment.
2. Copies of depositions to be evidence.
3. Secretary to issue warrant of extradition to agent of foreign government. Recapture in case of escape.
4. Party to be discharged, if not conveyed out of the United States within two months.
5. Limitation of act.
6. Courts to appoint commissioners.

II. TREATY WITH GREAT BRITAIN.

7. Criminals to be delivered up, by either party, on requisition, etc. For what offenses. Evidence. Jurisdiction. Surrender. Expenses.

I. GENERAL PROVISIONS.

1. In all cases in which there now exists, or hereafter may exist, any treaty or convention for extradition between the government of the United States and any foreign government,¹ it shall and may be lawful for any of the Justices of the Supreme Court, or judges of the several district courts of the United States, and the judges of the several State courts, and the commissioners author-

19 Aug. 1842, § 1.
9 Stat. 802.
By whom warrants may be issued.

¹ The international extradition of fugitives from justice is a duty of comity and not of strict rights. 6 Opin. 83. It is a right which has no existence without, and can only be secured by a treaty stipulation. Case of Jose Ferreira dos Santos, 2 Brock. 498. In the absence of such stipulation, the law of nations leaves it optional with the executive. The British Prisoners, 1 W. & M. 67. See Washburn's case, 3 Wh. Cr. Cas. 473. *United States v. Nash*. Bee, 367. Robbins's case, Hall's Journal of Jurisprudence, 18. All demands of international extradition must emanate from the supreme political authority of the demanding State. 7 Opin. 6. But when the reclamation of a fugitive is made under treaty stipulations, it is the duty of the United States to aid in relieving the case of any technical difficulties which may be interposed to defeat the ends of public justice. *Ibid.* 588.

ized so to do by any of the courts of the United States, are hereby severally vested with power, jurisdiction, and authority,¹ upon complaint made under oath or affirmation, charging any person found within the limits of any State, district, or territory, with having committed within the jurisdiction of any such foreign government, any of the crimes enumerated or provided for by any such treaty or convention, to issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or commissioner, to the end that the evidence of criminality may be heard and considered;² and if, on such hearing, the evidence be deemed sufficient by him to sustain the charge under the provisions of the proper treaty or convention, it shall be his duty to certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of said treaty or convention;³ and it shall be the duty of the said judge or commissioner to issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

Hearing.

12 Aug. 1848.
Evidence to be
certified to Sec-
retary of State.

Commitment.

Ibid, § 3.
Copies of depo-
sitions to be evi-
dence.

2. In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which an original warrant in any such foreign country may have been granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

Ibid, § 3.
Secretary to
issue warrant of
extradition to
agent of foreign
government.

3. It shall be lawful for the Secretary of State, under his hand and seal of office, 'to order the person so committed to be delivered to such person or persons as shall be authorized in the name and

¹ A foreign government entitled by treaty to the extradition of a fugitive from justice, may apply to the courts in the first instance; but, if requested, the President will issue the previous authorization held to be necessary by a portion of the court in *Kaine's case*, 14 How. 108. 6 Opin. 91. And, in granting his mandate, the President does not need such evidence of criminality as would justify an order of extradition; but only *prima facie* evidence. 6 Opin. 217. 7 Ibid. 288. On the hearing, the judge may go behind the mandate to see whether a warrant of extradition should be issued. In the matter of *Hellborn*, 1 Parker, C. R. 429.

² The magistrate examines the case judicially; and his decision is not subject to any direction on the part of the President. 6 Opin. 91. Nor can it be re-examined on *habeas corpus*. *Metager's case*, 5 How. 176. *Kaine's case*, 14 Ibid. 108.

³ It is the duty of the Secretary, in such cases, to order the final writ of extradition, notwithstanding any contradictory proceedings of the courts of a State. 6 Opin. 270. And it is the duty of the marshal, disregarding any process of the State court, to take the party to the exterior line of such State, and there deliver him to the agent of the foreign government. Ibid. 390. And the United States will protect him in so doing. Ibid. 227, 237. See *Vermaturo's case*, 3 Am. L. J. 438.

⁴ The British Prisoners, 1 W. & M. 66.

on behalf of such foreign government, to be tried for the crime of which such persons shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid, to hold such person in custody, and to take him or her to the territories of such foreign government, pursuant to such treaty; and if the person so accused shall escape out of any custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he or she shall so escape, may be retaken on an escape.

Recaption in case of escape.

4. When any person who shall have been committed under this act, or any such treaty, as aforesaid, to remain until delivered up in pursuance of a requisition, as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he or she may have been committed, by the readiest way, out of the United States, it shall, in every such case, be lawful for any judge of the United States, or of any State, upon application made to him, by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Secretary of State, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such judge why such discharge ought not to be ordered.

Ibid, § 4.
Party to be discharged if not conveyed out of the United States within two months.

5. This act shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer.

Ibid, § 5.
Limitation of act.

6. It shall be lawful for the courts of the United States, or any of them, to authorize any person or persons to act as a commissioner or commissioners, under the provisions of this act; and the doings of such person or persons so authorized, in pursuance of any of the provisions aforesaid, shall be good and available to all intents and purposes whatever.¹

Ibid, § 6.
Courts to appoint commissioners.

II. TREATY WITH GREAT BRITAIN.

7. It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with

9 Aug. 1842, art. 10, Stat. 576.
Criminals to be delivered up, by either party, on requisition, etc.

¹ United States v. Stowell, 2 Curt. C. C. 160.

For what offenses.	intent to commit murder, or piracy, or arson, or robbery, ¹ or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found within the territories of the other: <i>Provided</i> , That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed, ² and the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitives. ³
Evidence.	
Jurisdiction.	
Surrender.	
Expenses.	

¹ This treaty does not include the crime of larceny. 6 Opin. 85.

² The application need not be founded on a previous indictment found against the prisoners by the British tribunals, or on any warrant issuing therefrom. *The British Prisoners*, 1 W. & M. 67. But there must be a complaint made on oath or affirmation, which complaint must charge the fugitive with having committed one of the crimes provided for in the treaty. An insufficient complaint gives us jurisdiction to issue the warrant. In the matter of *Hellborn*, 1 Parker, C. R. 429. See 7 Opin. 6.

³ The ordinary expenses, including the fees of counsel, are to be defrayed by the demanding government. 7 Opin. 612. But not any extraordinary expenses arising out of a conflict of jurisdiction between the judicial authorities of the United States and those of a State, the latter aiming to prevent the extradition. Such special expenses should be defrayed by the United States. *Ibid.* 396. See a precisely similar treaty, concluded 20 December 1849, with the government of the Hawaiian Islands. 9 Stat. 981.

CONSTITUTION
OF THE
STATE OF MICHIGAN.

ARTICLE I. BOUNDARIES.	ARTICLE XII. IMPEACHMENTS AND REMOVALS FROM OFFICE.
ARTICLE II. SEAT OF GOVERNMENT.	ARTICLE XIII. EDUCATION.
ARTICLE III. DIVISION OF THE POWERS OF GOVERNMENT.	ARTICLE XIV. FINANCE AND TAXATION.
ARTICLE IV. LEGISLATIVE DEPARTMENT.	ARTICLE XV. CORPORATIONS.
ARTICLE V. EXECUTIVE DEPARTMENT.	ARTICLE XVI. EXEMPTIONS.
ARTICLE VI. JUDICIAL DEPARTMENT.	ARTICLE XVII. MILITIA.
ARTICLE VII. ELECTIONS.	ARTICLE XVIII. MISCELLANEOUS PROVISIONS.
ARTICLE VIII. STATE OFFICERS.	ARTICLE XIX. UPPER PENINSULA.
ARTICLE IX. SALARIES.	ARTICLE XIX-A. RAILROADS.
ARTICLE X. COUNTIES.	ARTICLE XX. AMENDMENT AND REVISION OF CONSTITUTION.
ARTICLE XI. TOWNSHIPS.	SCHEDULE.

THE PEOPLE OF THE STATE OF MICHIGAN DO ORDAIN THIS CONSTITUTION:

ARTICLE I.

BOUNDARIES.

The State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay

Territory over which the State of Michigan has jurisdiction.

shall intersect the same—said point being the northwest corner of the State of Ohio, as established by act of Congress entitled “An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed,” approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit river, Lake Huron, and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal to the head waters thereof; thence in a direct line to the center of the channel between Middle and South Islands, in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore, and down the river Brule to the main channel of the Menominee river; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the northern boundary line of the said State of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

ARTICLE II.

SEAT OF GOVERNMENT.

Seat of government.

SECTION 1. The Seat of Government shall be at Lansing, where it is now established.

ARTICLE III.

DIVISION OF THE POWERS OF GOVERNMENT.

How divided.

SECTION 1. The powers of Government are divided into three departments: the Legislative, Executive, and Judicial.

No person belonging to one department to exercise powers of another.

SEC. 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this Constitution.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.¹

SECTION 1. The Legislative power is vested in a Senate and House of Representatives. Legislative power; how vested. 4 Selden, 488; 8 Mich. R. 880, 848.

SEC. 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two, inclusive; each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators. Senate.

SEC. 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each Representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent who are not civilized, or are members of any tribe, and shall consist of convenient and contiguous territory; but no township or city shall be divided in the formation of a Representative district. When any township or city shall contain a population which entitles it to more than one Representative, then such township or city shall elect, by general ticket, the number of Representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate Representative, when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one Representative, the board of supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into Representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such Representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.² House of Representatives. Representative districts.

SEC. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts and apportion anew Enumeration of inhabitants. Apportionment of Senators and Representatives.

¹ For close of the sessions of the Legislature since 1850, see L. 1868, pp. 176 & 457.

² Amendment agreed to by the Legislature of 1869, approved by the people at the general election of 1870.

the Representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent who are not civilized, or are members of any tribe. Each apportionment, and the division into Representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.¹

Senators and Representatives to be citizens.

SEC. 5. Senators and Representatives shall be citizens of the United States, and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

What to vacate office.

Certain officers ineligible to a seat in the Legislature.

[SEC. 6.] No person holding any office under the United States [or this State], or any county office, except notaries public, officers of the militia, and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature; and all votes given for any such person shall be void.

Privileges of Senators and Representatives.

SEC. 7. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

Majority of each House to constitute a quorum.

SEC. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

Powers of each House.

SEC. 9. Each house shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections, and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election. The reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

Rules—expulsion of members.

Each House to keep journal.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question; shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding, or resolution which he

¹ Amendment agreed to by the Legislature of 1869, approved by the people at the general election of 1870.

may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

SEC. 11. In all elections by either house, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings. Elections viva voce. Yeas and nays.

SEC. 12. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session. Doors to be open—adjournments.

SEC. 13. Bills may originate in either house of the Legislature. Bills.

SEC. 14. Every bill and concurrent resolution, except of adjournment, passed by the Legislature, shall be presented to the Governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign, and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session; and the same shall become a law. Bills and resolutions to be presented to Governor.

SEC. 15. The compensation of the members of the Legislature shall be three dollars per day for actual attendance, and when absent on account of sickness, but the Legislature may allow extra compensation to the members from the territory of the Upper Peninsula, not exceeding two dollars per day during the session. When convened in extra session, their compensation shall be three dollars a day for the first twenty days, and nothing thereafter; and they shall legislate on no other subjects than those expressly stated Compensation of members.

¹ Amendment agreed to by the Legislature of 1859, approved by the people in 1860.

Mileage. in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route; and for stationery and newspapers, not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals, and documents of the Legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this Constitution.

Postage. SEC. 16. The Legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the Legislature, but not on any sent or mailed by them.

Compensation of President of Senate and Speaker of House. SEC. 17. The President of the Senate and the Speaker of the House of Representatives shall be entitled to the same per diem compensation and mileage as members of the Legislature, and no more. 9 Mich. Rep. 806

No member to receive civil appointment, nor be interested in contract with the State. SEC. 18. No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and Senate, from the Legislature, or any other State authority, during the term for which he is elected. All such appointments, and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

Bills and resolutions to be read three times. SEC. 19. Every bill and joint resolution shall be read three times in each house, before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills, the vote shall be by yeas and nays, and entered on the journal. 8 Gillman, 466.

Ayes and noes on final passage. SEC. 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct by a two-thirds vote of the members elected to each house. 14 Ill. Rep. 297.

No law to embrace but one object. SEC. 21. The Legislature shall not grant nor authorize extra compensation to any public officer, agent, or contractor, after the service has been rendered or the contract entered into. 19 Mich. 481; 19 Mich. 392; 16 Mich. 269; 20 Mich. 349. 7 Ind. Rep. 516. Ib. 681. When acts to take effect. 16 Ill. Rep. 361. Legislature not to grant extra compensation to officers, etc.

SEC. 22. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, paper, and printing for the executive departments, and all other printing ordered by the Legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the Legislature, nor officer of the State, shall be interested directly or indirectly in any such contract.

Fuel, stationery, printing, etc., to be let by contract.

SEC. 23. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways, or any street in any city or village, or in any recorded town plat.

Legislature not to authorize sale or conveyance of real estate, nor vacate any road. 20 Mich. 95.

SEC. 24. The Legislature may authorize the employment of a chaplain for the State Prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

Chaplain for State Prison; not for Legislature.

SEC. 25. No law shall be revised, altered, or amended, by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length.

Acts altered or amended to be re-enacted and published at length. 5 Ind. R. 327; 6 do. 31.

SEC. 26. Divorces shall not be granted by the Legislature.

Divorces. 8 Mich. R. 67.

SEC. 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

Lotteries.

SEC. 28. No new bill shall be introduced into either house of the Legislature after the first fifty days of a session shall have expired.

No bill to be introduced after the first fifty days of a session. Contested elections.

SEC. 29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage, who is declared to be entitled to a seat by the house in which the contest takes place.

SEC. 30. No collector, holder, nor disburser of public moneys shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

Collectors and holders of public money ineligible to office.

¹ Amendment agreed to by the Legislature of 1859, and approved by the people in 1860.

Private claims. SEC. 31. The Legislature shall not audit nor allow any private claim or account.

Hour of adjournment. SEC. 32. The Legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

Meeting of Legislature. SEC. 33. The Legislature shall meet at the seat of government on the first Wednesday in January, in the year one thousand eight hundred and sixty-one, and on the first Wednesday of January in every second year thereafter, and at no other place or time, unless as provided in the Constitution of the State, and shall adjourn without day at such time as the Legislature shall fix by concurrent resolution.¹

Election of Senators and Representatives in 1852 and thereafter. SEC. 34. The election of Senators and Representatives, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

State paper. SEC. 35. The Legislature shall not establish a State paper. Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage, shall be entitled to receive a sum not exceeding fifteen dollars therefor.

Publication of statutes and decisions. SEC. 36. The Legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Vacancies. SEC. 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

Local legislation. SEC. 38. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative, and administrative character as they may deem proper.

Religious liberty SEC. 39. The Legislature shall pass no law to prevent any person from worshiping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect, or support any place of religious worship, or to pay tithes, taxes, or other rates for the support of any minister of the gospel or teacher of religion.

No money drawn from Treasury for religious purposes. SEC. 40. No money shall be appropriated or drawn from the Treasury for the benefit of any religious sect or society, theological

¹ Amendment agreed to by the Legislature of 1859, and approved by the people in 1860.

cal or religious seminary, nor shall property belonging to the State be appropriated for any such purposes.

SEC. 41. The Legislature shall not diminish or enlarge the civil Rights of opinion. or political rights, privileges, and capacities of any person on account of his opinion or belief concerning matters of religion.

SEC. 42. No law shall ever be passed to restrain or abridge the Liberty of speech and press. liberty of speech or of the press; but every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of such right.

SEC. 43. The Legislature shall pass no bill of attainder, *ex-post- Attainder, etc. facto law*, or law impairing the obligation of contracts.

SEC. 44. The privilege of the writ of *habeas corpus* remains, and Habeas corpus. shall not be suspended by the Legislature, except, in case of rebellion or invasion, the public safety require it.

SEC. 45. The assent of two-thirds of the members elected to Bills appropriating money. each house of the Legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

SEC. 46. The Legislature may authorize a trial by a jury of a Trial by jury. less number than twelve men.

SEC. 47. The Legislature shall not pass any act authorizing the Licenses. grant of license for the sale of ardent spirits or other intoxicating 8 Mich. Rep. 814. liquors. Ibid 380, 343.

SEC. 48. The style of the laws shall be, "The people of the State Style of laws. of Michigan enact."

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power is vested in a Governor, who Governor and Lt. Governor. shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term.

SEC. 2. No person shall be eligible to the office of Governor or Eligibility. Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

SEC. 3. The Governor and Lieutenant Governor shall be elected How elected. at the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for Gov-

ernor or Lieutenant Governor, the Legislature shall, by joint vote, choose one of such persons.

Power of Governor.

SEC. 4. The Governor shall be Commander-in-Chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections, and to repel invasions.

Executive business.

SEC. 5. He shall transact all necessary business with officers of government, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Execution of laws.

SEC. 6. He shall take care that the laws be faithfully executed.

Convening the Legislature.

SEC. 7. He may convene the Legislature on extraordinary occasions.

Messages.

SEC. 8. He shall give to the Legislature, and, at the close of his official term, to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

May convene the Legislature at other place than capitol.

SEC. 9. He may convene the Legislature at some other place, when the seat of government becomes dangerous from disease or a common enemy.

Writs of election

SEC. 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

Reprieves and pardons.

SEC. 11. He may grant reprieves, commutations, and pardons after convictions, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation, or pardon granted, and the reasons therefor.

Vacancy, etc.

SEC. 12. In case of the impeachment of the Governor, his removal from office, death, inability, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor, for the residue of the term, or until the disability ceases. When the Governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 13. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign, be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the president *pro tempore* of the Senate shall act as Governor, until the vacancy shall be filled, or the disability cease. Vacancy; how filled.

SEC. 14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote. Lieut. Governor to be President of Senate.

SEC. 15. No member of Congress, nor any person holding office under the United States, or this State, shall execute the office of Governor. Officers ineligible to the office of Governor.

SEC. 16. No person elected Governor or Lieutenant Governor shall be eligible to any office or appointment from the Legislature, or either house thereof, during the time for which he was elected. All votes for either of them, for any such office, shall be void. Governor, etc., not to receive appointment from Legislature.

SEC. 17. The Lieutenant [Governor] and President of the Senate *pro tempore*, when performing the duties of Governor, shall receive the same compensation as the Governor. Compensation.

SEC. 18. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the great seal of the State, which shall be kept by the Secretary of State. Great seal.

SEC. 19. All commissions issued to persons holding office under the provisions of this Constitution shall be in the name and by the authority of the people of the State of Michigan, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State. Commissions; how issued.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power is vested in one Supreme Court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the Legislature in cities. Judicial power. 5 Mich. 409. 7 Mich. 341. 8 Mich. 430.

SEC. 2. For the term of six years, and thereafter, until the Legislature otherwise provide, the judges of the several circuit courts shall be Judges of the Supreme Court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a Supreme Court, with the jurisdiction and powers prescribed in this Constitution, to consist of one Chief Supreme Court. Laws of 1867, p. 50.

Justice and three Associate Justices, to be chosen by the electors of the State. Such Supreme Court, when so organized, shall not be changed or discontinued by the Legislature for eight years thereafter. The Judges thereof shall be so classified that but one of them shall go out of office at the same time. Their term of office shall be eight years.

Powers.
8 Mich. 548; 14
Mich. 384.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, *habeas corpus*, *mandamus*, *quo warranto*, *procedendo*, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

Terms.

SEC. 4. Four terms of the Supreme Court shall be held annually, at such times and places as may be designated by law.

Rules, etc.

SEC. 5. The Supreme Court shall by general rules establish, modify, and amend the practice in such court and in the circuit courts, and modify the same. The Legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

Masters in chancery prohibited.

Judicial circuits.

SEC. 6. The State shall be divided into eight judicial circuits; in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified.

Alteration.

SEC. 7. The Legislature may alter the limits of circuits, or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established, the judge shall be elected by the electors of such circuit, and his term of office shall continue, as provided in this Constitution for judges of the circuit court.

Powers, etc.

SEC. 8. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this Constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. They shall also have power to issue writs of *habeas corpus*, *mandamus*, injunction, *quo warranto*, *certiorari*, and other writs necessary to carry into effect their orders, judgments, and decrees, and give them a general control over inferior courts and tribunals within their respective jurisdictions.

Salary of judges.

SEC. 9. Each of the judges of the circuit courts shall receive a salary, payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the Legislature or the people, shall be void.

SEC. 10. The Supreme Court may appoint a reporter of its decisions. The decisions of the Supreme Court shall be in writing, and signed by the Judges concurring therein. Any Judge dissenting therefrom, shall give the reasons of such dissent in writing, under his signature. All such opinions shall be filed in the office of the clerk of the Supreme Court. The judges of the circuit court, within their respective jurisdictions, may fill vacancies in the office of county clerk and of prosecuting attorney; but no Judge of the Supreme Court, or circuit court, shall exercise any other power of appointment to public office.

Reporter of decisions.

Vacancies; how filled.

SEC. 11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

Terms of circuit court.

SEC. 12. The clerk of each county organized for judicial purposes, shall be the clerk of the circuit court of such county, and of the Supreme Court when held within the same.

Clerk of circuit courts.

SEC. 13. In each of the counties organized for judicial purposes, there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers, and duties of such court shall be prescribed by law.

Courts of probate.
9 Mich. 227.

SEC. 14. When a vacancy occurs in the office of Judge of the Supreme, circuit, or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

Vacancies; how filled.

SEC. 15. The Supreme Court, the circuit and probate courts of each county, shall be courts of record, and shall each have a common seal.

Courts of record

SEC. 16. The Legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers, not exceeding those of a judge of the circuit court at chambers.

Circuit court commissioners.
7 Mich. 841.

SEC. 17. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years, and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the resi-

Justices of the peace; how elected, etc.

due of the unexpired term. The Legislature may increase the number of justices in cities.

Jurisdiction of justices.

SEC. 18. In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction, and perform such duties, as shall be prescribed by the Legislature.

Conservators of the peace.

SEC. 19. Judges of the Supreme Court, circuit judges, and justices of the peace shall be conservators of the peace within their respective jurisdictions.

Election of circuit judges.

SEC. 20. The first election of judges of the circuit courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made to hold the subsequent elections of such additional judges at the regular election herein provided.

Election of judges of probate.

SEC. 21. The first election of judges of the probate courts shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

What deemed vacancy.
3 Mich. Rep. 70.

SEC. 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices.

Courts of conciliation.

SEC. 23. The Legislature may establish courts of conciliation, with such powers and duties as shall be prescribed by law.

Suitors may appear by attorney or in person.

SEC. 24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

Libels; truth may be given in evidence.

SEC. 25. In all prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact.

Security from search and seizure.
20 Mich. 27.

SEC. 26. The person, houses, papers, and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.

SEC. 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, unless demanded by one of the parties in such manner as shall be prescribed by law. Right of trial by jury.

SEC. 28. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense. Accused to have speedy trial, etc.

SEC. 29. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great. Acquittal upon merits.

SEC. 30. Treason against the State shall consist only in levying war against [it], or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless upon the testimony of two witnesses to the same overt act, or on confession in open court. Treason.

SEC. 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained. Bail, etc.

SEC. 32. No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. No person compelled to testify against himself. 11 Mich. 118.

SEC. 33. No person shall be imprisoned for debt arising out of or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a militia fine in time of peace. Imprisonment for debt. 14 Ill. R. 410. Militia fines.

SEC. 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief. Competency of witnesses.

SEC. 35. The style of all process shall be: "In the name of the people of the State of Michigan." Style of process. 5 Gilman 96. 5 Missouri, 237. Tweed vs. Metcalf—4 Mich. R.

ARTICLE VII.

ELECTIONS.

SECTION 1. In all elections, every male citizen, every male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every male inhabitant residing in the State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become

Qualification of electors.

2 Doug. Mich.
411.

Proviso.

Votes to be by
ballot.

Privilege of
electors from
arrest.

From military
duty.

Residence of
electors.

Purity of elec-
tions.

Soldiers, etc.,
not residents.

Duelling dis-
qualifies from
office and from
elective fran-
chise.

a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election: *Provided*, That in time of war, insurrection, or rebellion, no qualified elector in the actual military service of the United States, or of this State, in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward, or State in which he resides; and the Legislature shall have the power, and shall provide the manner in which, and the time and place at which, such absent electors may vote, and for the canvass and return of their votes to the township or ward election district in which they respectively reside, or otherwise.¹

SEC. 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

SEC. 3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at election, and going to and returning from the same.

SEC. 4. No elector shall be obliged to do military duty on the day of election, except in time of war or public danger; or attend court as a suitor or witness.

SEC. 5. No elector shall be deemed to have gained or lost a residence, by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

SEC. 6. Laws may be passed to preserve the purity of elections, and guard against abuses of the elective franchise.

SEC. 7. No soldier, seaman, nor marine in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same.

SEC. 8. Any inhabitant who may hereafter be engaged in a duel, either as principal, or accessory before the fact, shall be disqualified

¹ Amendment agreed to by the Legislature of 1860, approved by the people in 1870.

from holding any office under the Constitution and laws of this State, and shall not be permitted to vote at any election.

ARTICLE VIII.

STATE OFFICERS.

SECTION 1. There shall be elected at each general biennial election, a Secretary of State, a Superintendent of Public Instruction, a State Treasurer, a Commissioner of the Land Office, an Auditor General, and an Attorney General, for the term of two years. They shall keep their offices at the seat of Government, and shall perform such duties as may be prescribed by law.

State officers to be elected.
20 Mich. 304.

Where to keep their offices.

SEC. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

Term of office.

SEC. 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

Vacancy; how filled.

SEC. 4. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute a Board of State Auditors, to examine and adjust all claims against the State, not otherwise provided for by general law. They shall constitute a Board of State Canvassers, to determine the result of all elections for Governor, Lieutenant Governor, and State officers, and of such other officers as shall by law be referred to them.

Board of State Auditors.

To be State Canvassers.

SEC. 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of State Canvassers, the Legislature in joint convention shall choose one of said persons to fill such office. When the determination of the Board of State Canvassers is contested, the Legislature in joint convention shall decide which person is elected.

In case of a tie, Legislature to make choice.
16 Mich. 283.

ARTICLE IX.

SALARIES.

SECTION 1. The Governor shall receive an annual salary of one thousand dollars; the Judges of the Circuit Court shall each receive an annual salary of one thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Auditor General shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the

Salaries.

Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

ARTICLE X.

COUNTIES.

Counties to be
bodies corporate.

SECTION 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

Not to be re-
duced to less
than sixteen
townships.
10 Mich. 125.

SEC. 2. No organized county shall ever be reduced by the organization of new counties to less than sixteen townships, as surveyed by the United States, unless in pursuance of law a majority of electors residing in each county to be affected thereby shall so decide. The Legislature may organize a city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

County officers.

SEC. 3. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

Officers at coun-
ty seat.

SEC. 4. The sheriff, county clerk, county treasurer, judge of probate, and register of deeds shall hold their offices at the county seat.

Sheriff to hold
no other office.

SEC. 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and in default of giving such security his office shall be deemed vacant. The county shall never be responsible for his acts.

To give security.

Board of super-
visors.

SEC. 6. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law.

SEC. 7. Cities shall have such representation in the board of supervisors of the counties in which they are situated, as the Legislature may direct. Cities to be represented in board.

SEC. 8. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law. County seats; how removed.

SEC. 9. The board of supervisors of any county may borrow or raise by tax one thousand dollars, for constructing or repairing public buildings, highways, or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon. Board of supervisors may borrow money for highways, etc.

SEC. 10. The board of supervisors, or in the county of Wayne the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against their respective counties; and the sum so fixed or defined shall be subject to no appeal. To adjust claims against counties. 8 Mich. 373. 10 Mich. 307. 8 Mich. Rep. 475.

SEC. 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges, and organizing townships, under such restrictions and limitations as shall be prescribed by law. Board of supervisors to provide for laying out highways, etc.

ARTICLE XI.

TOWNSHIPS.

SECTION 1. There shall be elected annually, on the first Monday of April, in each organized township, one supervisor, one township clerk, who shall be *ex officio* school inspector, one commissioner of highways, one township treasurer, one school inspector, not exceeding four constables, and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law. Township officers.

SEC. 2. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof. Townships to be bodies corporate.

ARTICLE XII.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

Impeachments. SECTION 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

How tried. SEC. 2. Every impeachment shall be tried by the Senate. When the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. When an impeachment is directed, the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment, in case of impeachment, shall not extend further than removal from office: but the party convicted shall be liable to punishment according to law.

House to elect three members to prosecute. SEC. 3. When an impeachment is directed, the House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the Legislature, when the Senate shall proceed to try the same.

Impeachment of judicial officer. SEC. 4. No judicial officer shall exercise his office, after an impeachment is directed, until he is acquitted.

Vacancy: how filled. SEC. 5. The Governor may make a provisional appointment to a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until after the election and qualification of a successor.

Removal of judge. SEC. 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the Governor shall remove him on a concurrent resolution of two-thirds of the members elected to each House of the Legislature; but the cause for which such removal is required shall be stated at length in such resolution.

Removal of certain officers. SEC. 7. The Legislature shall provide by law for the removal of any officer elected by a county, township, or school district, in such manner and for such cause as to them shall seem just and proper.

Removal of State officers. SEC. 8. The Governor shall have power and it shall be his duty, except at such time as the Legislature may be in session, to examine into the condition and administration of any public office, and the acts of any public officer, elective or appointed, to remove from office for gross neglect of duty, or for corrupt conduct in office, or

any other misfeasance or malfeasance therein, either of the following State officers, to wit: The Attorney General, State Treasurer, Commissioner of the Land Office, Secretary of State, Auditor General, Superintendent Public Instruction, or members of the State Board of Education, or any other officer of the State, except legislature [legislative] and judicial, elective or appointed, and to appoint a successor for the remainder of their respective unexpired term of office, and report the causes of such removal to the Legislature at its next session.¹

ARTICLE XIII.

EDUCATION.

SECTION 1. The Superintendent of Public Instruction shall Education. have the general supervision of public instruction, and his duties shall be prescribed by law.

SEC. 2. The proceeds from the sales of all lands that have been School fund. 12 Mich. 171. or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant, or appropriation.

SEC. 3. All lands, the titles to which shall fail from a defect of Escheats. heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of primary schools.

SEC. 4. The Legislature shall, within five years from the adoption of this Constitution, provide for and establish a system of Free schools. primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language.

SEC. 5. A school shall be maintained in each school district at District schools. least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the Primary School Fund, and of all funds arising from taxes for the support of schools.

¹ Amendment agreed to by the Legislature of 1861, approved by the people in 1862.

Election of Regents.

SEC. 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a Justice of the Supreme Court, eight Regents of the University, two of whom shall hold their office for two years, two for four years, two for six years, and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of a Justice of the Supreme Court thereafter, there shall be elected two Regents, whose term of office shall be eight years. When a vacancy shall occur in the office of Regent, it shall be filled by appointment of the Governor. The Regents thus elected shall constitute the Board of Regents of the University of Michigan.¹

Regents body corporate.

SEC. 7. The Regents of the University, and their successors in office, shall continue to constitute the body corporate known by the name and title of "The Regents of the University of Michigan."

President of University.

SEC. 8. The Regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their Board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University, and the direction and control of all expenditures from the University Interest Fund.

Board of Education.

SEC. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education, one for two years, one for four years, and one for six years; and at each succeeding biennial election there shall be elected one member of such Board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex officio* a member and Secretary of such Board. The Board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Asylums.

SEC. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, or insane, shall always be fostered and supported.

Agricultural School.

SEC. 11. The Legislature shall encourage the promotion of intellectual, scientific, and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an Agricultural School. The Legislature may appropriate the twenty-two sections

¹ Amendment agreed to by the Legislature of 1861, approved by the people in 1862.

of salt-spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

SEC. 12. The Legislature shall also provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries. Town libraries.
8 Mich. 392.

ARTICLE XIV.

FINANCE AND TAXATION.

SECTION 1. All specific State taxes, except those received from the mining companies of the Upper Peninsula, shall be applied in paying the interest upon the Primary School, University, and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the Primary School Interest Fund. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources. Specific taxes.

SEC. 2. The Legislature shall provide by law a sinking fund of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent per annum, and an annual increase of at least five per cent, to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight. Sinking fund.

SEC. 3. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted. State may contract debts, etc.

To repel invasions.

SEC. 4. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to repay such debts.

Money; how paid out.

SEC. 5. No money shall be paid out of the Treasury, except in pursuance of appropriations made by law.

State credit, etc.

SEC. 6. The credit of the State shall not be granted to, or in aid of, any person, association, or corporation.

Scrip not to be issued.

SEC. 7. No scrip, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

State not to subscribe stock.

SEC. 8. The State shall not subscribe to, or be interested in, the stock of any company, association, or corporation.

Not to engage in internal improvement.
16 Mich. 289.

SEC. 9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such work, except in the expenditure of grants to the State of land or other property.

To collect specific tax.

SEC. 10. The State may continue to collect all specific taxes accruing to the Treasury under existing laws. The Legislature may provide for the collection of specific taxes from banking, railroad, plank road, and other corporations hereafter created.

Uniform rate of taxation.
2 Mich. Rep. 500
18 Mich. 495.

SEC. 11. The Legislature shall provide an uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law.

Assessments.
18 Mich. 495.

SEC. 12. All assessments hereafter authorized shall be on property at its cash value.

Equalization.

SEC. 13. The Legislature shall provide for an equalization by a State Board, in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property, except that paying specific taxes.

Laws imposing taxes.

SEC. 14. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE XV.

CORPORATIONS.

How formed.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be amended, altered, or repealed. But the Legislature may, by a vote of two-thirds of

the members elected to each House, create a single bank, with branches.¹

SEC. 2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State at a general election, and be approved by a majority of the votes cast thereon at such election.¹

SEC. 3. The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.²

SEC. 4. For all banks organized under general laws, the Legislature shall provide for the registry of all bills or notes issued or put in circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer for the redemption of such bills or notes, in specie.³

SEC. 5. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The Legislature shall pass no law authorizing or sanctioning the suspension of specie payments by any person, association, or corporation.

SEC. 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association.

SEC. 8. The Legislature shall pass no law altering or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each House; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

SEC. 9. The property of no person shall be taken by any corporation for public use, without compensation being first made or secured, in such manner as may be prescribed by law.

SEC. 10. No corporation, except for municipal purposes, or for the construction of railroads, plank roads, and canals, shall be created for a longer time than thirty years.

¹ Amendment agreed to by the Legislature of 1861, approved by the people in 1862.

² Amendment agreed to by the Legislature of 1859, approved by the people in 1860.

³ Amendment agreed to by the Legislature of 1861, approved by the people in 1862

Construction of
term corpora-
tion.

SEC. 11. The term "corporation," as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue, and be subject to be sued in all courts, in like cases as natural persons.

Limitation of
term for holding
real estate.

SEC. 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

Cities and vil-
lages.

SEC. 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

Election of judi-
cial officers.

SEC. 14. Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed, at such time and in such manner as the Legislature may direct.

Private proper-
ty; how taken.

SEC. 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of freeholders, and actually paid or secured in the manner provided by law.

2 Mich. Rep. 560.
14 Mich. 278.
20 Mich. 57.

Notice for char-
ter.

SEC. 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

ARTICLE XVI.

EXEMPTIONS.

Of personal
property.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

Of homestead.

SEC. 2. Every homestead of not exceeding forty acres of land, and the dwelling-house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city, or village; or instead thereof, at the option of the owner, any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling-house thereon, and its appurtenances, owned and occupied by any resident of the State,

not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this Constitution. Such exemption shall not extend to any mortgage thereon, ² Gray 384. lawfully obtained; but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

SEC. 3. The homestead of a family, after the death of the owner ^{ibid.} thereof, shall be exempt from the payment of his debts contracted after the adoption of this Constitution, in all cases, during the minority of his children.

SEC. 4. If the owner of a homestead die, leaving a widow but no ^{ibid.} children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

SEC. 5. The real and personal estate of every female, acquired ^{Estate of females.} before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance, or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations, or engagements of her husband; and may be devised or bequeathed by her as if she were unmarried.

ARTICLE XVII.

MILITIA.

SECTION 1. The militia shall be composed of all able-bodied ^{Of whom composed.} male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this State; but all such citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.¹

SEC. 2. The Legislature shall provide by law for organizing, ^{Organization.} equipping, and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and ^{Officers; how elected.} be commissioned in such manner as may be provided by law.

¹ Amendment agreed to by the Legislature of 1869, approved by the people in 1870.

ARTICLE XVIII.

MISCELLANEOUS PROVISIONS.

Oath of office.

SECTION 1. Members of the Legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that, I will faithfully discharge the duties of the office of according to the best of my ability." And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

Private property
for public use.
14 Mich. 276;
20 Mich. 57.
3 Mich. R. 560.
1 Pick. 418; 7
Pick. 344; 18
Pick. 501; 23
Pick. 860.

SEC. 2. When private property is taken for the use or benefit of the public, the necessity for using such property, and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law;

"Provided, The foregoing provision shall in no case be construed to apply to the action of commissioners of highways in the official discharge of their duty as highway commissioners."¹

Mechanical
trades in State
Prison.
4 Mich. 187.

SEC. 3. No mechanical trade shall hereafter be taught to convicts in the State Prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other States or countries.

Navigable
streams.
18 Mich. 196.

SEC. 4. No navigable stream in this State shall be either abridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such streams, or preclude the State from the further improvement of the navigation of such streams.

Public moneys.

SEC. 5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Laws, etc., to be
in English lan-
guage.

SEC. 6. The laws, public records, and the written judicial and legislative proceedings of the State, shall be conducted, promulgated, and preserved in the English language.

Right to bear
arms.

SEC. 7. Every person has a right to bear arms for the defense of himself and the State.

¹ Amendment adding proviso, agreed to by the Legislature of 1859, approved by the people in 1860.

SEC. 8. The military shall, in all cases and at all times, be in Military, etc. strict subordination to the civil power.

SEC. 9. No soldier shall, in time of peace, be quartered in any Soldiers not to be quartered in private house. house without the consent of the owner or occupant, nor in time of war except in a manner prescribed by law.

SEC. 10. The people have the right peaceably to assemble Right of petition together, to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. Neither slavery nor involuntary servitude, unless for Slavery prohibited. the punishment of crime, shall ever be tolerated in this State.

SEC. 12. No lease or grant hereafter, of agricultural land, for a Leases. longer period than twelve years, reserving any rent or service of any kind, shall be valid.

SEC. 13. Aliens who are, or who may hereafter become, *bona* Aliens may hold property. *fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native-born citizens.

SEC. 14. The property of no person shall be taken for public Private property use, without just compensation therefor. Private roads may be 21 Barbour, 518; 2 Mich. Rep. 569 opened in the manner to be prescribed by law; but in every case the necessities of the road and the amount of all damage to be Private roads. sustained by the opening thereof, shall be first determined by a jury of freeholders; and such amount, together with the expenses of proceedings, shall be paid by the person or persons to be benefited.

SEC. 15. No general revision of the laws shall hereafter be made. Revision of laws When a reprint thereof becomes necessary, the Legislature, in joint convention, shall appoint a suitable person to collect together such acts and parts of acts as are in force, and, without alteration, arrange them under appropriate heads and titles. The laws so arranged shall be submitted to two commissioners appointed by the Governor, for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

ARTICLE XIX.

UPPER PENINSULA.

SECTION 1. The counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton, and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron, and Michigan, and in Green Bay, and the Straits of Mack- Upper Peninsula Schedule, Sec. 26

- inac and the River Ste. Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney.
- District judge.** SEC. 2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.
- Attorney.** SEC. 3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.
- Senators and Representatives.** SEC. 4. Such judicial district shall be entitled at all times to at least one Senator, and, until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the Legislature.
- Compensation of judges, etc. Const. Art. 4, Sec. 15.** SEC. 5. The Legislature may provide for the payment of the district judge a salary not exceeding one thousand dollars a year, and of the district attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the Legislature from such territory, not exceeding two dollars a day during any session.
- Election; when to take place** SEC. 6. That elections for all district or county officers, State Senators, or Representatives, within the boundaries defined in this article, shall take place on the Tuesday succeeding the first Monday of November in the respective years in which they may be required; the county canvass shall be held on the first Monday thereafter, and the district canvass on the third Monday of said November.¹
- Taxes.** SEC. 7. One half of the taxes received into the Treasury from mining corporations in the Upper Peninsula, paying an annual State tax of one per cent, shall be paid to the treasurers of the counties from which it is received, to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.
- State Prison may be removed** SEC. 8. The Legislature may change the location of the State Prison from Jackson to the Upper Peninsula.
- Mining companies.** SEC. 9. The charters of the several mining corporations may be modified by the Legislature, in regard to the term limited for subscribing to stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor

¹ Amendment agreed to by the Legislature of 1861, approved by the people in 1862.

the time for the existence of charters extended. No such corporation shall be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

ARTICLE XIX — A.

RAILROADS.

SECTION 1. The Legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad. Legislature may establish rates of charges. Running contracts prohibited.

SEC. 2. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law. Not to consolidate. Notice to stockholders.

ARTICLE XX.

AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next general election thereafter, and if a majority of electors qualified to vote for members of the Legislature, voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the Constitution. Amendment.

SEC. 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the Legislature may by law provide, the question of the general revision of the Constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention Revision of the Constitution.

¹ Amendment agreed to by the Legislature of 1870, in extra session, approved by the people in 1870.

for such purpose, the Legislature, at the next session, shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption.¹

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that

Common and
statute law to
remain in force.

SECTION 1. The common law and the statute laws now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature.

Writs, actions,
etc., to be pro-
ceeded in.

SEC. 2. All writs, actions, causes of action, prosecutions, and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offense committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue, with the like powers and jurisdiction, both at law and in equity, as if this Constitution had not been adopted, and until the organization of the judicial department under this Constitution.

Fines, etc.

SEC. 3. That all fines, penalties, forfeitures, and escheats accruing to the State of Michigan under the present Constitution and laws, shall accrue to the use of the State under this Constitution.

Recognizances,
etc.

SEC. 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Michigan, to any State, county, or township, or any public officer or public body, or which may be entered into or executed under existing laws, "to the people of the State of Michigan," to any such officer, or public body, before the complete organization of the departments of Government under this Constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemea-

¹ Amendment agreed to by the Legislature of 1861, approved by the people in 1862.

ors and penal actions shall be tried, punished, and prosecuted, as though no change had taken place, until otherwise provided by law.

SEC. 5. A Governor and Lieutenant Governor shall be chosen under the existing Constitution and laws, to serve after the expiration of the term of the present incumbent. Governor and Lt. Governor.

SEC. 6. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this Constitution. Officers to hold office.

SEC. 7. The members of the Senate and House of Representatives of the Legislature of one thousand eight hundred and fifty-one, shall continue in office under the provisions of law, until superseded by their successors, elected and qualified under this Constitution. Senators and Representatives to hold office.

SEC. 8. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and fifty-three. The laws now in force as to the election, qualification, and duties of township officers, shall continue in force until the Legislature shall, in conformity to the provisions of this Constitution, provide for the holding of elections to fill such offices, and prescribe the duties of such officers respectively. County officers to hold office.

SEC. 9. On the first day of January, in the year one thousand eight hundred and fifty-two, the terms of office of the Judges of the Supreme Court under existing laws, and of the judges of the county courts, and of the clerks of the Supreme Court, shall expire on the said day. Term of certain officers.

SEC. 10. On the first day of January, in the year one thousand eight hundred and fifty-two, the jurisdiction of all suits and proceedings then pending in the present Supreme Court shall become vested in the Supreme Court established by this Constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the circuit courts and county courts for the several counties, shall become vested in the circuit court of the said counties and district court for the Upper Peninsula. Jurisdiction, etc.

SEC. 11. The probate courts, the courts of justices of the peace, and the police court, authorized by an act entitled "An act to establish a police court in the city of Detroit," approved April second, one thousand eight hundred and fifty, shall continue to Probate and justices' courts to exercise jurisdiction.

exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

State Printer

SEC. 12. The office of State Printer shall be vested in the present incumbent, until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges, and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office.

Duty of Legislature of 1851.

SEC. 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this Constitution, as far as may be.

Duty of Attorney General.

SEC. 14. The Attorney General of the State is required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this Constitution, and as may be best calculated to carry into effect its provisions; and he shall receive no additional compensation therefor.

Territory, etc.

SEC. 15. Any territory attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections for the purpose of representation.

Constitution to be submitted to people.

SEC. 16. This Constitution shall be submitted to the people for their adoption or rejection, at the general election to be held on the first Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection, at the same time, the separate resolution in relation to the elective franchise; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to the said general election, to give notice, as provided by law in case of an election of Governor, that this Constitution has been duly submitted to the electors at said election. Every newspaper within this State publishing in the month of September next, this Constitution as submitted, shall receive as compensation therefor the sum of twenty-five dollars, to be paid as the Legislature shall direct.

Qualification of electors.

SEC. 17. Any person entitled to vote for members of the Legislature, by the Constitution and laws now in force, shall, at the said election, be entitled to vote for the adoption or rejection of this Constitution, and for or against the resolution separately submitted, at the places and in the manner provided by law for the election of members of the Legislature.

SEC. 18. At the said general election, a ballot-box shall be kept Ballot box. by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this Constitution; and on the ballots shall be written or printed, or partly written and partly printed, the words "Adoption of the Constitution—Yes;" or "Adoption of the Constitution—No."

SEC. 19. The canvass of the votes cast for the adoption or rejection of this Constitution, and the provision in relation to the elective franchise separately submitted, and the returns thereof, shall be made by the proper canvassing officers, in the same manner as now provided by law for the canvass and return of the votes cast at an election for Governor, as near as may be, and the return thereof shall be directed to the Secretary of State. On the sixteenth day of December next, or within five days thereafter, the Auditor General, State Treasurer, and Secretary of State shall meet at the Capitol, and proceed, in presence of the Governor, to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the Governor of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon "Adoption of the Constitution—Yes," this Constitution shall be the supreme law of the State from and after the first day of January, one thousand eight hundred and fifty-one, except as is herein otherwise provided; but if a majority of the votes cast upon the question have thereon "Adoption of the Constitution—No," the same shall be null and void. And in case of the adoption of this Constitution, said officers shall immediately, or as soon thereafter as practicable, proceed to open the statements of votes returned from the several counties for Judges of the Supreme Court and State officers under the act entitled "An act to amend the Revised Statutes, and to provide for the election of certain officers by the people, in pursuance to an amendment of the Constitution, approved February sixteenth, one thousand eight hundred and fifty," and shall ascertain, determine, and certify the results of the election for said officers under said acts, in the same manner, as near as may be, as is now provided by law in regard to the election of Representatives in Congress. And the several judges and officers so ascertained to have been elected, may be qualified and enter upon the duties of their respective offices on the first Monday of January next, or as soon thereafter as practicable.

SEC. 20. The salaries or compensation of all persons holding Salaries. office under the present Constitution shall continue to be the

same as now provided by law, until superseded by their successors elected or appointed under this Constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed.

Expenditures of
Convention; how
paid.

SEC. 21. The Legislature, at their first session, shall provide for the payment of all expenditures of the Convention to revise the Constitution, and of the publication of the same, as is provided in this article.

Representative
districts.

SEC. 22. Every county, except Mackinaw and Chippewa, entitled to a Representative in the Legislature at the time of the adoption of this Constitution, shall continue to be so entitled under this Constitution; and the county of Saginaw, with the territory that may be attached, shall be entitled to one Representative; the county of Tuscola, and the territory that may be attached, one Representative; the county of Sanilac, and the territory that may be attached, one Representative; the counties of Midland and Aronac, with the territory that may be attached, one Representative; the county of Montcalm, with the territory that may be attached thereto, one Representative; and the counties of Newaygo and Oceana, with the territory that may be attached thereto, one Representative. Each county having a ratio of representation and a fraction over equal to a moiety of said ratio, shall be entitled to two Representatives, and so on above that number, giving one additional member for each additional ratio.

Cases pending in
chancery.

SEC. 23. The cases pending and undisposed of in the late court of chancery at the time of the adoption of this Constitution, shall continue to be heard and determined by the Judges of the Supreme Court. But the Legislature shall, at its session in one thousand eight hundred and fifty-one, provide by law for the transfer of said causes that may remain undisposed of on the first day of January, one thousand eight hundred and fifty-two, to the Supreme or circuit court established by this Constitution, or require that the same may be heard and determined by the circuit judges.

Term of office of
Governor and
Lt. Governor.

SEC. 24. The term of office of the Governor and Lieutenant Governor shall commence on the first day of January next after their election.

Upper Peninsula

SEC. 25. The territory described in the article entitled "Upper Peninsula," shall be attached to and constitute a part of the third circuit, for the election of a Regent of the University.

District judge
and district at-
torney.

SEC. 26. The Legislature shall have authority, after the expiration of the term of office of the district judge first elected for the

"Upper Peninsula," to abolish said office of district judge and district attorney, or either of them.

SEC. 27. The Legislature shall, at its session of one thousand eight hundred and fifty-one, apportion the Representatives among the several counties and districts, and divide the State into Senate districts, pursuant to the provisions of this Constitution. Legislature of 1851; its duties.

SEC. 28. The terms of office of all State and county officers, of the circuit judges, members of the Board of Education, and members of the Legislature, shall begin on the first day of January next succeeding their election. Terms of State and county officers.

SEC. 29. The State, exclusive of the Upper Peninsula, shall be divided into eight judicial circuits, and the counties of Monroe, Lenawee, and Hillsdale shall constitute the first circuit; the counties of Branch, St. Joseph, Cass, and Berrien shall constitute the second circuit; the county of Wayne shall constitute the third circuit; the counties of Washtenaw, Jackson, and Ingham shall constitute the fourth circuit; the counties of Calhoun, Kalamazoo, Allegan, Eaton, and Van Buren shall constitute the fifth circuit; [the] counties of St. Clair, Macomb, Oakland, and Sanilac shall constitute the sixth circuit; the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola, and Midland shall constitute the seventh circuit; and the counties of Barry, Kent, Ottawa, Ionia, Clinton, and Montcalm shall constitute the eighth circuit. State divided into eight judicial circuits. Const. Art. 6, Sec. 7.

Done in Convention at the Capitol of the State, this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fifth.

D. GOODWIN, *President*.

COMPILED LAWS.



THE COMPILED LAWS

OF THE

STATE OF MICHIGAN.

TITLE I.

THE STATUTES AND THE LEGISLATURE.

CHAPTER I. The Statutes.

CHAPTER II. The Legislature.

CHAPTER I.

THE STATUTES.

Chapter I. of Revised Statutes of 1846.

(1.) SECTION 1. The original acts of the Legislature shall be deposited with, and kept by the Secretary of State.¹

Original acts—
where deposited.
8 Mich. Rep. 144

SEC. 2.²

(2.) SEC. 3. In the construction of the statutes of this State, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Legislature, that is to say:

Rules of con-
struction of
statutes.

¹ As amended by Act 46 of 1847, p. 55.

² Superseded by Sec. 20, Art. 4, of Constitution. It related to the time when statutes should take effect.

Rules of construction of statutes.

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning;

2. Every word importing the singular number only, may extend to and embrace the plural number, and every word importing the plural number, may be applied and limited to the singular number; and every word importing the masculine gender only, may extend and be applied to females as well as males;

3. All words purporting to give a joint authority to three or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority;

4. The words "annual meeting," when applied to townships, shall be construed to mean the annual meeting required by law to be held in the month of April;

5. The word "grantor" may be construed as including every person from or by whom any estate in lands passes, in or by any deed; and the word "grantee," as including every person to whom any such interest or estate passes in like manner;

6. The word "inhabitant," may be construed to mean a resident of a city, township, village, district, or county;

7. The words "insane person," shall be construed to include an idiot, a *non compos*, lunatic, and distracted person;

8. The word "issue," as applied to the descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor;

9. The word "land," or "lands," and the words "real estate," shall be construed to include lands, tenements, and real estate, and all rights thereto, and interests therein;

10. The word "month" shall be construed to mean a calendar month; and the word "year," a calendar year; and the word "year" alone, shall be equivalent to the words "year of our Lord;"

11. The word "oath" shall be construed to include the word "affirmation," in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "sworn" shall be construed to include the word "affirmed;"

12. The word "person" may extend and be applied to bodies politic and corporate, as well as to individuals;

13. The words "preceding," and "following," when used by way of reference to any title, chapter, or section of these Revised Statutes,

shall be construed to mean the title, chapter, or section next preceding or next following that in which such reference is made, Rules of construction of statutes. unless when some other title, chapter, or section is expressly designated in such reference ;

14. In all cases in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to mean the impression of such seal on such paper alone, as well as the impression of such seal affixed thereto by means of a wafer or wax ;

15. The word "State," when applied to the different parts of the United States, shall be construed to extend to and include the District of Columbia and the several Territories belonging to the United States ; and the words "United States" shall be construed to include the said District and Territories ;

16. The word "will" shall be construed to include codicils, as well as wills ;

17. The words "written" and "in writing" may be construed to include printing, engraving, and lithographing ; except that in all cases where the written signature of any person is required by law, it shall always be the proper handwriting of such person ; or, in case he is unable to write, his proper mark ;

18. All acts of incorporation shall be deemed public acts, and, as such, may be declared on and given in evidence, without specially pleading the same ;

19. The words "general election" shall be construed to mean the election required by law to be held in the month of November.

(3.) SEC. 4. Whenever a statute, or any part thereof, shall be repealed by a subsequent statute, such statute, or any part thereof, so repealed, shall not be revived by the repeal of such subsequent repealing statute. Repeal of repealing statutes.

(4.) SEC. 5. The Secretary of State, immediately after any act of the Legislature shall have been deposited with him, shall furnish a true copy thereof to the publishers of the State paper, who shall immediately publish the same in such paper. Secretary of State to furnish copies of Statutes for publication. 1887, p. 23.

(5.) SEC. 6. The Secretary of State shall be entitled to one copy of the Statutes for the use of his office, and he shall annually, and from time to time, immediately after their publication in volumes, deposit thirty copies thereof in the State Library, for the use of the Legislature, and distribute to the following public officers, persons, corporations, and societies, one copy each, that is to say :

The Governor, Lieutenant Governor, Senators and members of the House of Representatives, the Secretary of the Senate and Who entitled to copy.

Clerk of the House of Representatives, the Senators and Representatives in this State in Congress, the Secretary of State of the United States, *Chancellor*, each judge of a court of record in this State, Attorney General, Auditor General, State Treasurer, Adjutant General, *the President of the Board of Internal Improvements*, Superintendent of Public Instruction, Superintendent of the State Prison, Judge of the District Court of the United States for the District of Michigan, clerk of the last named court, the several clerks and registers of courts of record, *masters in chancery*, prosecuting attorneys, sheriffs, keepers of jails, judges of probate, registers of deeds, county treasurers, county surveyors, boards of county superintendents of the poor, coroners, justices of the peace, supervisors and clerks of townships for the use of their townships, the Historical Society of Michigan, the Library of Congress, the library of the University of Michigan, and of each branch thereof, the Governor of each of the States and Territories of the United States, for the use of such State or Territory.¹

County clerks to furnish Secretary of State with No. of officers, etc., entitled to copy of laws.

1837-8, p. 251.

County clerk to give notice, and take receipt.

(6.) SEC. 7. Each county clerk, within one month after the adjournment of the Legislature in each year, shall forward to the Secretary of State a statement of the number of officers, persons, corporations, and societies in his county, entitled by law to a copy of the laws of the next preceding session of the Legislature; and as soon as the same are ready for distribution, the Secretary of State shall, at his office, deliver to such clerk, or to his order, properly packed, the number of copies set forth in such statement, and take a receipt therefor.

(7.) SEC. 8. The county clerk, on the receipt of the laws, shall give notice thereof in a newspaper published in his county, if there be one, and if not, by posting up notices in three or more of the most public places therein; and he shall deliver, on demand at his office, to the township clerk of each township, the number of copies to which such township shall be entitled, taking and preserving in his office a receipt for the same, and the township clerk in like manner shall deliver a copy to each public officer in his township entitled thereto, taking and preserving in his office a receipt therefor.²

Officer receiving statutes to deliver same to his successor—consequence of neglect.

(8.) SEC. 9. Every person receiving a copy of the laws on account of any office held by him, shall, when he ceases to hold such office, deliver over to his successor in office all laws received by him as such officer, and take the receipt of his successor therefor, and

¹ As amended by Act 105 of 1847, p. 167, Sec. 2. The offices in italics are abolished.

² As amended by Act 65 of 1850, p. 54, Sec. 2.

deposit such receipt, if a township officer, with the township clerk, and if a county officer, with the county clerk; and any person who shall neglect or refuse to deliver over to his successor in office all laws received by him as aforesaid, shall be liable to such successor in an action for money had and received, to the full amount it shall cost him to furnish himself with such laws, and costs of suit; which action shall, on request, be brought and prosecuted by the prosecuting attorney of the county.

(9.) SEC. 10. The expense of publishing the notice aforesaid, and of transporting the laws from the office of the Secretary of State to the county clerk's office, shall be audited and allowed by the boards of supervisors, and paid out of the county treasury.¹ Expense of notice and transportation, how paid.

(10.) SEC. 11. As soon as the laws are ready for distribution, the Secretary of State shall transmit a written or printed notice thereof to each county clerk; and the expense of such notice, and all accounts for boxes furnished to the Secretary of State, for the package and distribution of the laws, when certified by him to be correct, shall be audited and allowed by the Auditor General, and paid out of the State Treasury. Secretary to give notice when laws are ready for distribution.

An Act to provide for the preservation of the Laws of this State.

[Approved March 15, 1847. Laws of 1847, p. 55.]

(11.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and he is hereby required to cause to be arranged and bound in a substantial manner, all acts and joint resolutions of the several Legislatures of this State, which become laws under the Constitution, so far as the same may be on file in his office. Secretary of State to cause acts, etc., to be bound.

(12.) SEC. 2. Hereafter, at the close of each session of the Legislature, the Secretary of State shall cause to be bound in like manner the enrolled acts and joint resolutions of the Legislature, which shall become laws under the Constitution of this State, and shall certify, under his hand and the seal of the State, on the frontispiece of the volume, that said volume contains the whole of the original acts and joint resolutions, as enrolled by the clerks, signed by the presiding officers of the Senate and House of Representatives, and approved by the Governor, or which may have become laws under the Constitution of this State, without his signature or approval. Id.

¹ As amended by Act 105 of 1847, p. 168, Sec. 2.

Acts, etc., to be kept in office of Secretary of State.

Expense of binding, etc.

Certain provisions repealed.

(13.) SEC. 3. The acts and joint resolutions, when bound and certified as specified in this act, shall be kept in the office of the Secretary of State, and no further record thereof shall be required to be kept. The expenses of arranging and binding the laws, as specified in the preceding sections of this act, shall be paid by the Treasurer of the State, out of any moneys in the treasury not otherwise appropriated, on the certificate of the Secretary of State.

(14.) SEC. 4. So much of section one of chapter one of the Revised Statutes of one thousand eight hundred and forty-six, as makes it the duty of the Secretary of State to record the original acts of the Legislature in books to be provided by him for that purpose, be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Joint Resolution relative to the distribution of the Laws.

[Approved February 7, 1848. Laws of 1848, p. 444.]

Township clerks to be furnished with laws in State paper.

(15.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be and he hereby is authorized and required to send or cause to be sent to the clerk of each and every organized township in the State of Michigan, a copy of the State paper during such portion of each year as the laws of this State are published therein.

Joint Resolution authorizing the sale of the published Laws and Documents.

[Approved April 8, 1851. Laws of 1851, p. 261.]

Secretary of State may sell copies of laws and documents.

(16.) *Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be and he hereby is authorized to sell, in his discretion, such extra copies of the published laws, journals, and documents of the Legislature, and journals and debates of the convention, deposited in his office, as will not be required for distribution, at a fair price, not less than the actual cost thereof; and he shall account for the same to the Board of State Auditors, and pay the money received therefor into the State Treasury.

This joint resolution shall take effect immediately.

An Act to furnish to the State Normal School, the Agricultural School, and to incorporated colleges within the State, copies of laws and public documents.

[Approved Feb. 14, 1859. Laws of 1859, p. 440.]

(17.) SECTION 1. *The People of the State of Michigan enact,* Secretary of State to furnish laws and documents to certain institutions.
That it shall be the duty of the Secretary of State to furnish to the State Normal School, to the Agricultural School, to the Asylum for the Insane, to the Asylum for the Deaf, Dumb, and Blind, and to each of the incorporated colleges within the State, a full set of the laws and public documents of the State, as published from time to time, and also, as far as it may be possible without republication, to furnish to each of the above-named institutions, not already supplied, a full set of such laws and documents as have hitherto been published, and which may now be in the possession of the State, and not otherwise appropriated.

SEC. 2. This act shall take immediate effect.

An Act to provide for the transmission of the official publications of the State to the free library of the city of Detroit, and the Houghton County Historical Society and Mining Institute.

[Approved March 18, 1871. Laws of 1871, p. 40.]

(18.) SECTION 1. *The People of the State of Michigan enact,* Secretary of State to send laws, etc.
That the Secretary of State be and he is hereby required to send copies of all the laws, journals, and documents of the Legislature, and of all other official documents hereafter published, to the public library of the city of Detroit, and to the Houghton County Historical and Mining Institute.

(19.) SEC. 2. The Secretary of State is also authorized to furnish ibid.
to said public libraries copies of such official documents heretofore published as, in his judgment, can be so furnished without detriment to the interests of the State.

SEC. 3. This act shall take immediate effect.

CHAPTER II.

THE LEGISLATURE.

Chapter II. of Revised Statutes of 1846.

Officers of, when
not to be arrest-
ed.
Const. of Mich.
Art. 4. Sec. 7.

What offenses
may be pun-
ished as con-
tempt.

(20.) SECTION 1. No officer of the Senate or House of Representatives, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process.

(21.) SEC. 2. Each House may punish as a contempt, and by imprisonment, a breach of its privileges, or the privileges of its members, but only for one or more of the following offenses, to wit:

1. The offense of arresting a member or officer of the House, or procuring such member or officer to be arrested, in violation of his privilege from arrest;

2. That of disorderly conduct in the immediate view of the House, and directly tending to interrupt its proceedings;

3. That of refusing to attend, or be examined as a witness, either before the House, or a committee, or before any person authorized by the House, or by a committee, to take testimony in Legislative proceedings;

4. That of giving or offering a bribe to a member, or of attempting by menace, or other corrupt means or device, directly or indirectly to control or influence a member in giving his vote, or to prevent his giving the same; but the term of imprisonment which such House may impose for any contempt specified in this section, shall not extend beyond the same session of the Legislature.

Contempt to be
deemed a misde-
meanor.

(22.) SEC. 3. Every person who shall be guilty of any contempt specified in the preceding section, shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the State Prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine

not exceeding one thousand dollars, or by both such fine and imprisonment in the county jail, in the discretion of the court.

(23.) SEC. 4. The oath of office of any member or officer of the Senate or House of Representatives, may be administered by, and taken and subscribed before *the Chancellor*,¹ any justice, of the Supreme Court, the Lieutenant Governor, the President *pro tem*-^{By whom oath of members to be administered. 1841, p. 10.} *pore* of the Senate, or the Speaker of the House of Representatives.

(24.) SEC. 5. Any Senator or Representative, while acting as a member of a committee of the Legislature, or either branch thereof shall have authority to administer oaths to such persons as shall be examined before the committee of which he is a member.^{Members of committees may administer oaths 1899, p. 214.}

An Act to provide for paying expenses authorized to be incurred by the Legislature.

[Approved February 24, 1869. Laws of 1869, p. 24.]

(25.) SECTION 1. *The People of the State of Michigan enact*, That whenever any witness shall be summoned to appear before a committee of the Legislature, by authority of either branch thereof, the compensation of such witness shall be two dollars per day, for each day of actual attendance, and the sum of six cents per mile for each mile he shall travel in coming to and going from the place of examination, over the usual traveled route; and the amount of compensation due to such witness shall be certified to the presiding officer of the body summoning such witness, by the committee before whom such witness appeared; and thereupon such presiding officer shall direct the Clerk or Secretary, as the case may be, to draw a certificate in favor of such witness for such compensation due, in the usual form of certificates for the payment of members of the Legislature; and upon the presentation to the State Treasurer of any such certificate, properly signed, he shall pay the same out of any moneys in the Treasury to the credit of the general fund.^{Providing for payment of witnesses summoned by Legislature. Per diem. Mileage. Manner of payment.}

(26.) SEC. 2. Any sum or sums of money due to any committee of either branch of the Legislature, for actual expenses incurred for travel, in visiting any State institution, or other place, when such visit is authorized by either branch of the Legislature, shall be certified to the presiding officer of the branch of the Legislature to which the members of any such committee may belong, in the same manner as provided in this act in the case of witnesses; and they shall be paid such sums, in the same manner, and from the^{Expenses of committees; how paid.}

¹ The office of Chancellor was abolished in 1847.

same fund, as the fees of witnesses are required to be paid by the provisions of this act.

Sergeant-at-Arms not to receive pay for summoning witnesses other than for expenses.

(27.) SEC. 3. The Sergeant-at-Arms of the respective branches of the Legislature shall be allowed no extra compensation for services performed in summoning witnesses to appear before any committee of the Legislature, other than their necessary traveling expenses, which sums shall be certified by them to the presiding officer of the branch of the Legislature in which such officer shall belong; and the sums due to such officers, for such traveling expenses, shall be paid in the same manner, and from the same fund, as the fees of witnesses are required to be paid by the provisions of this act.

Payment of incidental expenses.

(28.) SEC. 4. Any or all expenses incidental to the sessions of the Legislature, authorized by either branch thereof, except printing, shall be reported to the respective branches of the Legislature, by the proper committee thereof; and upon the acceptance and adoption of the report of such committee, a certificate shall be issued for the payment of the same, from the same fund, and in the same manner, as the fees of witnesses are required to be paid by this act.

SEC. 5. This act shall take immediate effect.

TITLE II.

THE APPORTIONMENT OF REPRESENTATIVES.

CHAPTER III. The Apportionment of Representatives in Congress.

CHAPTER IV. The Apportionment of Senators in the State Legislature.

CHAPTER V. The Apportionment of Representatives in the State Legislature.

CHAPTER III.

THE APPORTIONMENT OF REPRESENTATIVES IN CONGRESS.

An Act to divide the State into six Congressional districts.

[Approved March 15, 1861. Laws of 1861, p. 295.]

(29.) SECTION 1. *The People of the State of Michigan enact*, That this State shall be divided into six Congressional districts, pursuant to a ratio of representation fixed by act of Congress for the year eighteen hundred and sixty, for apportioning anew the Representatives among the several States; and each district shall be entitled to elect one Representative, the districts to be constituted of the several counties, and numbered as follows, to wit:

First. The first district shall consist of the counties of Wayne, Monroe, Lenawee, and Hillsdale.

Second. The second district shall consist of the counties of Branch, St. Joseph, Cass, Berrien, Kalamazoo, Van Buren, and Allegan.

Apportionment,
Congressional
districts.

Third. The third district shall consist of the counties of Wash-tenaw, Jackson, Calhoun, Eaton, and Ingham.

Fourth. The fourth district shall consist of the counties of Barry, Ionia, Montcalm, Kent, Ottawa, Muskegon, Oceana, Newaygo, Lake, Mecosta, Mason, Manistee, Grand Traverse, Leelanaw, Manitou, Osceola, Emmet, [Antrim,] Wexford, Mackinaw, Delta, Cheboygan, Kalkaska, and Missaukee.

Fifth. The fifth district shall consist of the counties of Livingston, Oakland, Macomb, St. Clair, Lapeer, and Sanilac.

Sixth. The sixth district shall consist of the counties of Clinton, Shiawassee, Genesee, Gratiot, Saginaw, Tuscola, Huron, Isabella, Midland, Bay, Gladwin, Clare, Roscommon, Ogemaw, Iosco, Alcona, Oscoda, Crawford, Otsego, Montmorenci, Alpena, Presque Isle, Chippewa, Marquette, Schoolcraft, Houghton, and Ontonagon, and the counties hereafter organized out of the present territory.

CHAPTER IV.

THE APPORTIONMENT OF SENATORS IN THE STATE LEGISLATURE.

An Act for the apportionment of Senators in the State Legislature.

[Approved April 15, 1871. Immediate effect Laws of 1871, p. 301.]

One Senator to each of the following 32 districts.

(30.) SECTION 1. *The People of the State of Michigan enact,* That this State shall be and is hereby divided into thirty-two Senate districts, and each district shall be entitled to one Senator, which shall be constituted as follows, viz:

FIRST DISTRICT.

The first district shall consist of the second, third, fourth, seventh, and tenth wards of the city of Detroit, and the townships of Greenfield, Hamtramck, and Grosse Point, in the county of Wayne, and the election returns shall be made to the clerk's office in the county of Wayne.

SECOND DISTRICT.

The second district shall consist of the first, fifth, sixth, eighth, and ninth wards of the city of Detroit, and the election returns shall be made to the clerk's office in the county of Wayne.

THIRD DISTRICT.

The third district shall consist of the townships of Brownstown, Canton, Dearborn, Ecorse, Huron, Livonia, Monguagon, Nankin, Plymouth, Redford, Romulus, Springwells, Sumpter, Taylor, and Van Buren, and the city of Wyandotte, in the county of Wayne; and the election returns shall be made to the clerk's office in the county of Wayne.

FOURTH DISTRICT.

The fourth district shall consist of the county of Washtenaw.

FIFTH DISTRICT.

The fifth district shall consist of the county of Monroe.

SIXTH DISTRICT.

The sixth district shall consist of the county of Lenawee.

SEVENTH DISTRICT.

The seventh district shall consist of the county of Jackson.

EIGHTH DISTRICT.

The eighth district shall consist of the county of Calhoun.

NINTH DISTRICT.

The ninth district shall consist of the county of Hillsdale.

TENTH DISTRICT.

The tenth district shall consist of the county of Branch.

ELEVENTH DISTRICT.

The eleventh district shall consist of the counties of St. Joseph and Cass, and the election returns shall be made to the clerk's office in the county of St. Joseph.

TWELFTH DISTRICT.

The twelfth district shall consist of the county of Berrien.

THIRTEENTH DISTRICT.

The thirteenth district shall consist of the county of Van Buren.

FOURTEENTH DISTRICT.

The fourteenth district shall consist of the county of Allegan.

FIFTEENTH DISTRICT.

The fifteenth district shall consist of the county of Kalamazoo.

SIXTEENTH DISTRICT.

The sixteenth district shall consist of the counties of Barry and Eaton, and the election returns shall be made to the clerk's office in the county of Eaton.

SEVENTEENTH DISTRICT.

The seventeenth district shall consist of the counties of Ingham and Clinton, and the election returns shall be made to the clerk's office in the county of Ingham.

EIGHTEENTH DISTRICT.

The eighteenth district shall consist of the counties of Livingston and Shiawassee, and the election returns shall be made to the clerk's office in the county of Shiawassee.

NINETEENTH DISTRICT.

The nineteenth district shall consist of the county of Genesee.

TWENTIETH DISTRICT.

The twentieth district shall consist of the county of Oakland.

TWENTY-FIRST DISTRICT.

The twenty-first district shall consist of the county of Macomb.

TWENTY-SECOND DISTRICT.

The twenty-second district shall consist of the county of St. Clair.

TWENTY-THIRD DISTRICT.

The twenty-third district shall consist of the counties of Lapeer, Sanilac, and Huron, and the election returns shall be made to the clerk's office of the county of Lapeer.

TWENTY-FOURTH DISTRICT.

The twenty-fourth district shall consist of the counties of Tuscola and Bay, and the election returns shall be made to the clerk's office of the county of Bay.

TWENTY-FIFTH DISTRICT.

The twenty-fifth district shall consist of the county of Saginaw.

TWENTY-SIXTH DISTRICT.

The twenty-sixth district shall consist of the counties of Iosco, Alcona, Roscommon, Alpena, Gratiot, Midland, Isabella, Clare, and the unorganized counties of Ogemaw, Oscoda, Montmorency,

Gladwin, and Presque Isle, and the election returns shall be made to the clerk's office in the county of Midland.

TWENTY-SEVENTH DISTRICT.

The twenty-seventh district shall consist of the counties of Ionia and Montcalm, and the election returns shall be made to the clerk's office in the county of Ionia.

TWENTY-EIGHTH DISTRICT.

The twenty-eighth district shall consist of the county of Kent.

TWENTY-NINTH DISTRICT.

The twenty-ninth district shall consist of the counties of Ottawa and Muskegon, and the election returns shall be made to the clerk's office in the county of Ottawa.

THIRTIETH DISTRICT.

The thirtieth district shall consist of the counties of Newaygo, Oceana, Mecosta, Mason, Lake, Osceola, and Manistee, and the election returns shall be made to the clerk's office in the county of Newaygo.

THIRTY-FIRST DISTRICT.

The thirty-first district shall consist of the counties of Wexford, Benzie, Grand Traverse, Leelanaw, Manitou, Antrim, Charlevoix, Emmet, Cheboygan, Mackinaw, Missaukee, and Kalkaska, and the unorganized counties of Crawford and Otsego, and the islands in the Straits of Mackinaw, and the election returns shall be made to the clerk's office in the county of Leelanaw.

THIRTY-SECOND DISTRICT.

The thirty-second district shall consist of the counties of Chippewa, Delta, Menominee, Marquette, Houghton, Keweenaw, Ontonagon, and Schoolcraft, and the islands and territory thereunto attached, the islands of Lake Superior, and in Green Bay, and the River St. Marie, and the election returns shall be made to the office of the county clerk in the county of Marquette.

The election returns of each county forming one district shall be made to the county clerk's office of such county.

Returns of counties forming one district.

CHAPTER V.

THE APPORTIONMENT OF REPRESENTATIVES IN THE STATE LEGISLATURE.

An Act to apportion anew the Representatives among the several counties and districts of this State.

[Approved April 15, 1871. Laws of 1871. p. 227.]

One Representative
to each 12,
600 persons or
fraction thereof.

(31.) SECTION 1. *The People of the State of Michigan enact,* That the House of Representatives shall hereafter be composed of members elected agreeably to a ratio of one Representatives [Representative] for every twelve thousand six hundred persons, including civilized persons of Indian descent, not members of any tribe, in each organized county, and one Representative for a fraction equal to a moiety of said ratio, and not included therein, that is to say: Within the county of Wayne, nine; within the counties of Lenawee and Kent, four each; within the counties of Allegan, Berrien, Calhoun, Genesee, Hillsdale, Jackson, Kalamazoo, Oakland, Saginaw, St. Clair, and Washtenaw, three each; within the counties of Barry, Branch, Cass, Clinton, Eaton, Ingham, Ionia, Lapeer, Livingston, Macomb, Monroe, Ottawa, Shiawassee, St. Joseph, and Van Buren, two each; within the counties of Bay, Gratiot, Huron, Houghton, Marquette, Montcalm, Muskegon, Newaygo, Oceana, Sanilac, and Tuscola, one each. The counties of Manistee and Mason shall compose a Representative district, and be entitled to one Representative, the election returns of which district shall be made to the county of Manistee. The counties of Benzie and Leelanaw shall compose a Representative district, and be entitled to one Representative, the election returns of which district shall be made to the county of Leelanaw. The counties of Grand Traverse, Wexford, Missaukee, Kalkaska, Crawford, and

Manitou shall compose a Representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Grand Traverse. The counties of Isabella, Midland, Gladwin, Clare, and Roscommon shall compose a Representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Midland. The counties of Iosco, Ogemaw, Alcona, Oscoda, Alpena, Montmorency, Presque Isle, and Cheboygan shall compose a Representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Alpena. The counties of Mackinac, Emmet, Charlevoix, Otsego, and Antrim shall compose a Representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Charlevoix. The counties of Chippewa, Schoolcraft, Delta, and Menominee shall compose a Representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Delta. The counties of Keweenaw and Ontonagon shall compose a Representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Keweenaw. The counties of Mecosta, Osceola, and Lake shall compose a Representative district, and be entitled to one Representative, the election returns of which shall be made to the county of Mecosta.

TITLE III.

CHAPTER VI.

ELECTIONS OTHER THAN FOR MILITIA AND TOWNSHIP OFFICERS.

An act to provide for holding general and special elections. ¹

[Approved June 27, 1851. Took effect Sept. 27, 1851. Laws of 1851, p. 281.]

General election; when held. (32.) SECTION 1. *The People of the State of Michigan enact,* That a general election shall be held in the several townships and wards of this State, on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and fifty-two, and on the Tuesday succeeding the first Monday of November, every second year thereafter, at which there shall be elected so many of the following officers as are to be chosen in such years respectively, that is to say: A Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, members of the State Board of Education, Electors of President and Vice President of the United States, Representatives in Congress, the Senators and Representatives in the State Legislature, and the following county officers, viz: Judges of probate, sheriffs, clerks, treasurers, registers of deeds, prosecuting attorneys, and such other officers as may by law be required to be elected at such general election: *Provided,* The provisions of this section shall not apply to the election of the Senator and Representatives in the State Legislature, nor to the election of county officers, in

Officers to be elected.

Const. Art. 5, Sec. 8; Art. 8, Sec. 1; Art. 18, Sec. 9.

Art. 6, Sec. 18.

¹ This act, it is believed, supersedes the whole of Chapters 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the Revised Statutes of 1846.

that portion of the State denominated the Upper Peninsula, as described in section one, article nineteen, of the revised Constitution, and such other territory as may be attached thereto for election purposes. On the first Tuesday of November, eighteen hundred and fifty-one, there shall be elected a Governor and Lieutenant Governor, whose term of office shall commence on the first Monday of January, eighteen hundred and fifty-two, and who shall hold their respective offices until the first day of January, eighteen hundred and fifty-three, and until their successors are elected and qualified; which election shall be conducted in the manner provided by the Constitution and laws in force on the thirty-first day of December, eighteen hundred and fifty; and the returns and canvass of votes given thereon, shall be proceeded and determined in the same manner herein provided for the same officers to be elected at general biennial elections.

Schedule to
Const. Sec. 5.

(33.) SEC. 2. Special elections may be held in the following cases, and for the election of the following officers, viz:

In what cases
special elections
may be held.

1. When a vacancy shall occur in the office of Senator or Representative in the State Legislature, Representative in Congress, judge of the circuit or district court, Regent of the University, or member of the State Board of Education;

2. When there has been no choice at a general election of Representative in Congress;

3. When the right of office of a person elected to any of the aforesaid district or county offices shall cease before the commencement of the term of service for which he shall have been elected;

4. When a vacancy shall occur in either of the said county offices after the commencement of the term of service, and more than six months before the next general election;

5. When, in any other case of a vacancy not particularly provided for in this section, the Governor shall in his discretion so direct.

(34.) SEC. 3. A vacancy in either of the offices named in the first section of this act, which shall not have been supplied before a general election, may be supplied at such election.

When vacancies
may be filled at
general election.

(35.) SEC. 4. No special election shall be held within three months next preceding a general election, except in cases where the Governor shall order a special election.

When special
elections not to
be held.

(36.) SEC. 5. Special elections for the choice of the county officers named in section one of this act shall, except in cases in which a special election is to be ordered by the Governor, be ordered by the board of supervisors.

When to be ordered
by board
of supervisors.

To be held one day only.

(37.) SEC. 6. Special elections shall be held and continued one day only, and shall be conducted, and the result thereof canvassed and certified in all respects, as near as may be, in like manner as general elections, except as otherwise directed.

Persons having greatest number of votes deemed elected.

(38.) SEC. 7. In elections for the choice of all officers named in the first section of this act, the persons having the greatest number of votes shall be deemed to have been duly elected.

Election of Electors of President and Vice President.

(39.) SEC. 8. Whenever the time fixed by the law of Congress for the election of electors of President and Vice President of the United States, shall not occur on the day appointed for holding the general election, such election for electors of President and Vice President shall be held on the day so fixed by the law of Congress therefor.

Ibid.

(40.) SEC. 9. All the provisions of law relating to the notifying and holding of the general elections, and the election of electors of President and Vice President thereat, shall apply to every such election held pursuant to the provisions of the preceding section ; and the votes given for such electors shall be returned and canvassed, and the result determined in the same manner in all respects, and with the like effect, as in case of the election of such electors at a general election.

Notice of supplying vacancies in certain offices.

(41.) SEC. 10. When a vacancy shall occur in the office of judge of the circuit court, Regent of the University, or member of the State Board of Education, thirty days or more before a general election, the Secretary of State shall, at least twenty days before such election, cause a written notice to be sent to the sheriff of each of the counties within the election district in which such vacancy may occur ; which notice shall state in which office the vacancy occurred, and that such vacancy will be supplied at the next general election.

Of general elections.

(42.) SEC. 11. The Secretary of State shall, between the first day of July and the first day of September preceding a general election, direct and cause to be delivered to the sheriff of each county in this State, a notice in writing that at the next general election there will be chosen as many of the following officers as are to be elected at such general election, viz: A Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, members of the State Board of Education, Electors of President and Vice President of the United States, and a Representative in Congress for the district to which each of such counties shall belong.

(43.) SEC. 12. He shall also, between the first day of July and the first day of September preceding such election, direct and cause to be delivered to the sheriff of each county a notice in writing, stating the number of Senators and Representatives to be elected in such county, specifying the number of each district, and the limits of such district, when the county alone does not constitute a Senatorial or Representative district or districts. Of elections of Senators and Representatives.

(44.) SEC. 13. Whenever a special election shall be ordered by the Governor to fill any vacancy, the Secretary of State shall immediately notify the sheriff of each of the counties embraced in said election district, of the time of holding such election, the cause of such vacancy, the name of the officer, and the time when his term of office will expire. Of special elections.

(45.) SEC. 14. When the board of supervisors of a county shall order a special election to fill a vacancy in any office, such order shall be in writing and signed by the chairman and clerk of the board, and shall specify how the vacancy occurred; the name of the officer in whose office it occurred; the time when his term of office will expire, and the day on which such special election shall be held, not being more than forty nor less than thirty days from the making of such order; and such clerk shall, without delay, cause a copy of such order to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward of any city in the county. Duty of board of supervisors in ordering vacancy to be filled.

(46.) SEC. 15. The sheriff, on receiving either of the notices directed in this act to be sent to him, shall forthwith cause a notice in writing to be delivered to the township clerk in each township, and to one of the inspectors of election in each ward in any city of his county, which notice shall contain in substance the notices so received by such sheriff; but if such county shall be divided into two or more Senatorial or Representative districts, then such notice, so far as it relates to the election of Senators or Representatives, shall be delivered to the proper officer in each township or ward in each respective district. Duty of sheriff on receiving notice.

(47.) SEC. 16. He shall also give at least twenty days' notice in writing, to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward in any city in his county, of the holding of each general election, for the choice of county officers, designating the officers to be chosen at each and every such election. Ibid.

(48.) SEC. 17. The township clerk or inspector of elections, receiving either of the notices directed in this act to be delivered Duty of township clerk or inspector on receiving notice.

TITLE III.

CHAPTER VI.

ELECTIONS OTHER THAN FOR MILITIA AND TOWNSHIP OFFICERS.

An act to provide for holding general and special elections. ¹

[Approved June 27, 1851. Took effect Sept. 27, 1851. Laws of 1851, p. 231.]

General election;
when held.

Officers to be
elected.

Const. Art. 5,
Sec. 8; Art. 8,
Sec. 1; Art. 13,
Sec. 9.

Art. 6, Sec. 13.

(32.) SECTION 1. *The People of the State of Michigan enact,* That a general election shall be held in the several townships and wards of this State, on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and fifty-two, and on the Tuesday succeeding the first Monday of November, every second year thereafter, at which there shall be elected so many of the following officers as are to be chosen in such years respectively, that is to say: A Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, members of the State Board of Education, Electors of President and Vice President of the United States, Representatives in Congress, the Senators and Representatives in the State Legislature, and the following county officers, viz: Judges of probate, sheriffs, clerks, treasurers, registers of deeds, prosecuting attorneys, and such other officers as may by law be required to be elected at such general election: *Provided,* The provisions of this section shall not apply to the election of the Senator and Representatives in the State Legislature, nor to the election of county officers, in

¹ This act, it is believed, supersedes the whole of Chapters 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the Revised Statutes of 1846.

that portion of the State denominated the Upper Peninsula, as described in section one, article nineteen, of the revised Constitution, and such other territory as may be attached thereto for election purposes. On the first Tuesday of November, eighteen hundred and fifty-one, there shall be elected a Governor and Lieutenant Governor, whose term of office shall commence on the first Monday of January, eighteen hundred and fifty-two, and who shall hold their respective offices until the first day of January, eighteen hundred and fifty-three, and until their successors are elected and qualified; which election shall be conducted in the manner provided by the Constitution and laws in force on the thirty-first day of December, eighteen hundred and fifty; and the returns and canvass of votes given thereon, shall be proceeded and determined in the same manner herein provided for the same officers to be elected at general biennial elections.

Schedule to
Const. Sec. 5.

(33.) SEC. 2. Special elections may be held in the following cases, and for the election of the following officers, viz:

In what cases
special elections
may be held.

1. When a vacancy shall occur in the office of Senator or Representative in the State Legislature, Representative in Congress, judge of the circuit or district court, Regent of the University, or member of the State Board of Education;

2. When there has been no choice at a general election of Representative in Congress;

3. When the right of office of a person elected to any of the aforesaid district or county offices shall cease before the commencement of the term of service for which he shall have been elected;

4. When a vacancy shall occur in either of the said county offices after the commencement of the term of service, and more than six months before the next general election;

5. When, in any other case of a vacancy not particularly provided for in this section, the Governor shall in his discretion so direct.

(34.) SEC. 3. A vacancy in either of the offices named in the first section of this act, which shall not have been supplied before a general election, may be supplied at such election.

When vacancies
may be filled at
general election.

(35.) SEC. 4. No special election shall be held within three months next preceding a general election, except in cases where the Governor shall order a special election.

When special
elections not to
be held.

(36.) SEC. 5. Special elections for the choice of the county officers named in section one of this act shall, except in cases in which a special election is to be ordered by the Governor, be ordered by the board of supervisors.

When to be or-
dered by board
of supervisors.

To be held one day only.

(37.) SEC. 6. Special elections shall be held and continued one day only, and shall be conducted, and the result thereof canvassed and certified in all respects, as near as may be, in like manner as general elections, except as otherwise directed.

Persons having greatest number of votes deemed elected.

(38.) SEC. 7. In elections for the choice of all officers named in the first section of this act, the persons having the greatest number of votes shall be deemed to have been duly elected.

Election of Electors of President and Vice President.

(39.) SEC. 8. Whenever the time fixed by the law of Congress for the election of electors of President and Vice President of the United States, shall not occur on the day appointed for holding the general election, such election for electors of President and Vice President shall be held on the day so fixed by the law of Congress therefor.

Ibid.

(40.) SEC. 9. All the provisions of law relating to the notifying and holding of the general elections, and the election of electors of President and Vice President thereat, shall apply to every such election held pursuant to the provisions of the preceding section ; and the votes given for such electors shall be returned and canvassed, and the result determined in the same manner in all respects, and with the like effect, as in case of the election of such electors at a general election.

Notice of supplying vacancies in certain offices.

(41.) SEC. 10. When a vacancy shall occur in the office of judge of the circuit court, Regent of the University, or member of the State Board of Education, thirty days or more before a general election, the Secretary of State shall, at least twenty days before such election, cause a written notice to be sent to the sheriff of each of the counties within the election district in which such vacancy may occur; which notice shall state in which office the vacancy occurred, and that such vacancy will be supplied at the next general election.

Of general elections.

(42.) SEC. 11. The Secretary of State shall, between the first day of July and the first day of September preceding a general election, direct and cause to be delivered to the sheriff of each county in this State, a notice in writing that at the next general election there will be chosen as many of the following officers as are to be elected at such general election, viz: A Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, members of the State Board of Education, Electors of President and Vice President of the United States, and a Representative in Congress for the district to which each of such counties shall belong.

(43.) SEC. 12. He shall also, between the first day of July and the first day of September preceding such election, direct and cause to be delivered to the sheriff of each county a notice in writing, stating the number of Senators and Representatives to be elected in such county, specifying the number of each district, and the limits of such district, when the county alone does not constitute a Senatorial or Representative district or districts.

Of elections of
Senators and
Representatives.

(44.) SEC. 13. Whenever a special election shall be ordered by the Governor to fill any vacancy, the Secretary of State shall immediately notify the sheriff of each of the counties embraced in said election district, of the time of holding such election, the cause of such vacancy, the name of the officer, and the time when his term of office will expire.

Of special elec-
tions.

(45.) SEC. 14. When the board of supervisors of a county shall order a special election to fill a vacancy in any office, such order shall be in writing and signed by the chairman and clerk of the board, and shall specify how the vacancy occurred; the name of the officer in whose office it occurred; the time when his term of office will expire, and the day on which such special election shall be held, not being more than forty nor less than thirty days from the making of such order; and such clerk shall, without delay, cause a copy of such order to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward of any city in the county.

Duty of board
of supervisors
in ordering
vacancy to be
filled.

(46.) SEC. 15. The sheriff, on receiving either of the notices directed in this act to be sent to him, shall forthwith cause a notice in writing to be delivered to the township clerk in each township, and to one of the inspectors of election in each ward in any city of his county, which notice shall contain in substance the notices so received by such sheriff; but if such county shall be divided into two or more Senatorial or Representative districts, then such notice, so far as it relates to the election of Senators or Representatives, shall be delivered to the proper officer in each township or ward in each respective district.

Duty of sheriff
on receiving no-
tice.

(47.) SEC. 16. He shall also give at least twenty days' notice in writing, to be delivered to the township clerk of each township, and to one of the inspectors of election in each ward in any city in his county, of the holding of each general election, for the choice of county officers, designating the officers to be chosen at each and every such election.

(48.) SEC. 17. The township clerk or inspector of elections, receiving either of the notices directed in this act to be delivered

Duty of town-
ship clerk or in-
spector on re-
ceiving notice.

to him; shall, by notice in writing, under his hand, give at least ten days' notice of the time and place at which such election is to be held, and the officers to be chosen, which election shall be held at the place of holding the last preceding township meeting, or at such other place in the township as the township board of such township shall prescribe; and if the notice is of a general election, at which a vacancy is to be filled, it shall state the name of the person in whose office the vacancy shall have occurred, and that such vacancy will be supplied at such election; and such township clerk or inspector shall cause such notices to be posted up in at least three of the most public places in the said township or ward.¹

Inspectors of elections.

(49.) SEC. 18. At the general election, the supervisor, the justice of the peace not holding the office of supervisor or town clerk, whose term of office will first expire, and the township clerk of each township, and the assessor and alderman of each ward in a city, or if in any city there be not an assessor in every ward, then the two aldermen of each ward, shall be the inspectors of election, two of whom shall constitute a quorum.

When electors to choose inspectors.

(50.) SEC. 19. In case three of such inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose, *viva voce*, such number of such electors as, with the inspector or inspectors present, shall constitute a board of three in number; and such electors, so chosen, shall be inspectors of that election, during the continuance thereof.

Clerks of election.
16 Mich. 288.

(51.) SEC. 20. The township clerk, if present, shall be required by the board to act as a clerk of the election, and before the opening of the polls, the inspectors in each township shall appoint another competent person to be clerk of the election; and if the township clerk shall not be present, the board shall appoint two such clerks, and the inspectors in each ward in a city shall appoint two competent persons to be such clerks; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer.

4 Selden, 67, 88.

At what time polls to be opened and closed.
4 Selden, 92.

Adjournments.

(52.) SEC. 21. The polls of the election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer; but the board may adjourn the polls at twelve o'clock noon, for one hour, in their

¹ As amended by Act 858 of 1865, p. 720. approved March 21, 1865.

discretion; but the inspectors shall cause proclamation to be made of the opening and closing of the polls, and of each adjournment.

(53.) SEC. 22. When the supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall appoint, shall be chairman of the board. Chairman of board.

(54.) SEC. 23. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, folded, to one of the inspectors, in presence of the board. How electors to vote, 16 Mich. 283, Const. Art. 7, Sec. 2.

(55.) SEC. 24. The ballot shall be a paper ticket, which shall contain, written or, printed, or partly written and partly printed, the names of all the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended to be chosen; but no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen at the election to fill such office. Ballot, what to contain, 1 Doug. Mich. 59; 8 Mich. Rep. 288; 5 Mich. Rep. 146.

(56.) SEC. 25. If any person offering to vote shall be challenged as unqualified by any inspector, or any elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector; and if such person shall state that he is a qualified elector, and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote: Oath to be tendered to person challenged, Const. Art. 7, Sec. 1.

1. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months next preceding this day, and in this township (or ward, as the case may be) ten days next preceding this day, and that you have not voted at this election;" or, Form of oath or affirmation.

2. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, eighteen hundred and thirty-five, that you have resided in this State three months next preceding this day, and in this township (or ward, as the case may be) ten days next preceding this day, and that you have not voted at this election;" or, Ibid.

3. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the first day of January, eighteen hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have Ibid.

resided in this State three months next preceding this day, and in this township (or ward, as the case may be) ten days next preceding this day, and that you have not voted at this election ;" or,

Form of oath or affirmation.

4. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you have resided in this State two years and six months, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township (or ward, as the case may be) ten days next preceding this day, and that you have not voted at this election ;" or,

Ibid.

5. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a native of the United States, that you are a civilized inhabitant of Indian descent, and not a member of any tribe, that you have resided in this State three months next preceding this day, and in this township (or ward, as the case may be) ten days next preceding this day, and that you have not voted at this election."

• And if such person so challenged will take either of the above oaths, his vote shall be received ; but if such person shall therein swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury.

Ballot box to be provided.

(57.) SEC. 26. There shall be provided and kept by the township clerk in each township, at the expense of such township, and in each ward in any city, by the assessor thereof, at the expense of the city, one suitable ballot-box, with lock and key, which ballot-box shall have an opening through the lid, of the proper size to admit a single closed ballot, through which each ballot received shall be inserted.

Box to be examined, locked, etc.

(58.) SEC. 27. Before opening the poll, the ballot-box shall be examined, that nothing may remain in it ; and it shall then be locked, and the key thereof delivered to one of the inspectors, to be designated by the board ; and the said box shall not be opened during the election, except in the manner and for the purpose hereinafter mentioned.

Ballot, how deposited.

(59.) SEC. 28. When a ballot shall be received, one of the inspectors, without opening the same, or permitting it to be opened, shall deposit such ballot in the box.

Poll list.

(60.) SEC. 29. Each of the clerks shall keep a poll list, which shall contain the names of all the electors voting at such election.

Comparing and correcting lists.

(61.) SEC. 30. At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll

lists, compute and set down the number of votes, and correct all mistakes that may be discovered, according to the decision of the board, until such poll lists shall be made in all respects to correspond.

(62.) SEC. 31. The ballot [box] shall then be opened, and the poll lists placed therein, and the box shall then be locked, and Lists, box, and key; how kept, & etc. covering with a seal placed over the opening in the lid of the box, and the key delivered to one of the inspectors and the box to another, to be designated by the board.

(63.) SEC. 32. The inspector having the key shall keep it in his possession, and deliver it again to the board at the next opening of the poll, and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it in that state to the board of inspectors at the next opening of the poll, when the seal shall be broken, and the box opened, the poll lists taken out, and the box again locked.

(64.) SEC. 33. It shall be the duty of each inspector to challenge every person offering a vote, whom he shall know or suspect not to be duly qualified as an elector; and the board of inspectors Duty of inspectors to challenge. shall possess full authority to maintain regularity and order, and to enforce obedience to their lawful commands during an election, To keep order. and during the canvass and estimate of the votes, after the poll is closed. 17 Wendell, 592.

(65.) SEC. 34. If any person shall refuse to obey such lawful commands of the inspectors, or, by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, the inspectors may, by an order in writing, commit the person so offending to the common jail of the county, for a period not exceeding twenty days, and may require such order to be executed by any sheriff, deputy sheriff, or constable to whom the same shall be directed; or if neither of said officers shall be present, such order may be executed by any other person deputed in writing by the inspectors to execute the same. Penalty for disorderly conduct, and how enforced.

(66.) SEC. 35. As soon as the polls of the general election shall be finally closed, the inspectors shall immediately proceed to canvass and ascertain the result of the election, and shall then publicly declare the same. 16 Mich. 283.

(67.) SEC. 36. The canvass shall be public, and shall commence by a comparison of the poll lists, and a correction of any mistakes Canvass to be public. 16 Mich. 283.

¹ As amended by Act 180, of 1861, p. 294. Approved March 15, 1861.

that may be found therein, until they shall be found or made to agree.

Excess of ballots, how disposed of.
16 Mich. 288.

(68.) SEC. 37. The box shall then be opened, and the ballots contained therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed, when the number of ballots shall be found not to agree with the poll lists, as provided in the next section.

Ibid.

(69.) SEC. 38. If the ballots in the box shall be found to exceed in number the whole number of names of electors on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots therefrom, unopened, as shall be equal to such excess.

Canvass and statement of votes.

(70.) SEC. 39. The ballots and poll lists agreeing, or being made to agree, the board shall then proceed to canvass and estimate the votes, and they shall draw up a statement of the result, and cause a duplicate thereof to be made, which statement and duplicate shall be certified by the inspectors to be correct, and shall be subscribed with their names.

What statement to contain, and how disposed of.

(71.) SEC. 40. Such statements shall set forth, in words at length, the whole number of votes given for each office, the names of the persons for which such votes for such office were given, and the number of votes so given for each person; and one of said statements shall forthwith be delivered to the township clerk, to be filed and preserved by him in his office, and the other shall be delivered to one of the inspectors who shall be appointed by the board to attend the county canvass.

Ballots, and copy of defective ballots, how kept.

(72.) SEC. 41. The inspectors shall preserve a true copy of all ballots rejected as defective, with the originals attached, and deliver the same to the township clerk, to be filed in his office; and the other ballots they shall seal up and deliver to said clerk, who shall keep the same in his office until the next election, subject only to the inspection of the proper authorities, in case of a contested election.

Poll lists to be filed, etc.

(73.) SEC. 42. One of the poll lists shall be delivered to the township clerk, and the other to the county clerk, which lists shall be filed and preserved by them in their respective offices. In a city, the ballots, and one of such poll lists and statements, shall be delivered to the city clerk, and shall be kept and preserved by him.

(74.) SEC. 43. The several inspectors appointed by the inspectors of election in townships and wards, to attend the county canvass, shall constitute the board of county canvassers, and shall meet on the Tuesday next following the election, before one o'clock in the afternoon, at the office of the county clerk, who shall be secretary of the board; or in his absence his deputy shall be secretary; but if such county shall be divided into two or more Senatorial or Representative districts, the inspectors of election, representing the townships or wards embraced in each of such districts, shall, with the county clerk or his deputy, constitute the board of district canvassers for said districts respectively, so far as the canvass relates to the election of Senators and Representatives in the State Legislature, which several canvasses shall be held immediately after the county canvass.

Who to be county canvassers, and when to meet.

(75.) SEC. 44. If either of the inspectors appointed to attend the county canvass shall be unable to attend such canvass on the day appointed, he shall, on or before that day, cause to be delivered at the office of the county clerk the original statement of all votes given in his township or ward, which statements said clerk shall lay before said canvassers.

Statement to be delivered to county clerk in certain cases.

(76.) SEC. 45. On the day appointed for such canvass, if a majority of the canvassers shall not attend, or if such statement of votes shall not be produced, or if there shall be any material defect in any of such statements received, the canvassers then present shall adjourn the county canvass to some convenient hour of the next day; but the inspectors from the several Senatorial or Representative districts, if there shall be more than one of such districts in such county, may proceed with their secretary to canvass the votes of their respective districts, as far as it can be done, before the county canvass.¹

When canvassers may adjourn.

(77.) SEC. 46. If all the original statements of the votes given in the several townships and wards shall not be produced on the day appointed for such canvass, or if there shall be any material defect in any of the statements received, the county clerk shall, by a special messenger or otherwise, obtain such original or corrected statements as are not produced or are defective, or certified or corrected copies thereof, in time to be delivered to the board of canvassers at their said adjourned meeting.

When messengers to be sent for statement of votes.

¹ Was amended by Act 21 of 1864, p. 40, Sec. 85, approved February 5, 1864; but this amendment act expired by its own limitation at the close of the war; therefore the original section was retained. See Sec. 88 of said act.

Board to meet on
adjourned day.

(78.) SEC. 47. At the time to which such canvass was adjourned, the canvassers shall again meet; and such of them as shall be present, although less than a majority of the whole number, shall constitute the board of canvassers.

To organize and
canvass votes.

(79.) SEC. 48. The canvassers shall choose one of their number chairman; and said board shall then proceed to examine the original statements certified by the several boards of inspectors of election, or certified or corrected copies thereof, and ascertain the number of votes given in the county for the respective State, county, and district officers, when such district shall exceed the limits of such county, and make statements thereof, as the nature of the election may require; after which the several Senatorial and Representative district boards of canvassers shall proceed to canvass their respective districts, if such county shall be divided for representative purposes.

15 Ill. Rep. 492.

Separate state-
ment of votes for
certain offices.

(80.) SEC. 49. They shall make a separate statement, containing the whole number of votes given in such county for the offices of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State Board of Education, the names of the persons to whom such votes were given, and the number of votes given to each; another similar statement of the votes given for Electors of President and Vice President of the United States, each year in which such Electors are to be chosen; another similar statement of the votes given for Representative in Congress; another of votes given for Senator, when the county alone does not constitute a Senatorial district; another of the votes given for Representative in the State Legislature, when the county alone does not constitute a Representative district; another of the votes given for Senator or Representative, when the county alone constitutes but one Senatorial or Representative district; and another of the votes given for county officers.

Ibid.

(81.) SEC. 50. The several Senatorial and Representative district canvassers shall, where a county is divided for such purposes, also make a statement of the whole number of votes given in each respective district for the office of Senator or Representative, or both, as the case may be, which several statements shall set forth the number of each of such districts, the number of votes given to each of the persons voted for in each of such districts, respectively.

(82.) SEC. 51. In each of said statements, the whole number of votes given, the names of the candidates, and the number of votes given to each, shall be written out in words at length; and each statement shall be certified as correct, and attested by the signatures of the chairman and secretary of the respective boards, and a copy of each, thus certified and attested, shall be delivered to the county clerk, and recorded by him in a suitable book, to be provided by him for that purpose, at the expense of the county, and kept in his office.

What statement to contain.

Statement to be recorded, etc.

(83.) SEC. 52. The county and district boards shall then determine the persons who have been, by the greatest number of votes, elected to the county offices, and members of the Legislature, when the county alone constitutes one or more Senatorial or Representative districts, and such determinations shall be certified and attested by the chairman and secretary of the respective boards, and be annexed to the statement of votes given for such officers respectively, and shall be recorded with such statements by the county clerk in his office: *Provided*,¹ That in elections for members of the Legislature, or county officers, if it shall appear on the legal canvass of the votes polled at such election, that two or more persons have received an equal number of votes for the same office, such persons shall proceed to draw lots for the election to said office, in the following manner: The board of canvassers for the county or district in which such election was held, shall appoint a day for the appearance of all such persons before the proper officer hereinafter provided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested. The officer before whom such drawing is to take place shall prepare as many strips of paper as there are such persons, and write the word "Elected" on as many slips of paper as there are offices to be filled, and the words "Not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that they may appear as nearly alike as possible. Said slips shall be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box; and any such person drawing a slip on which is written the word "Elected," shall be deemed legally elected to the office in question; and the officer

Determination by board of persons elected.
16 Mich. 283.

Proceedings when two or more persons have equal number of votes.

¹ This proviso is from the act of April 2, 1849, which is retained (Sec. 189) for the reason that an important omission occurs here,—the words, "and that a failure to elect to any office is caused thereby," being left out from their appropriate place after the word "office," in the fourth line of the proviso.

conducting such drawing shall forthwith give him a certificate of such election. If the drawings under the provisions of this section are for the office of Senator or Representative in the State Legislature, and the district exceeds the limits of a single county, then the drawing shall take place before the county clerk of the county where the district canvass is held: in all other cases, before the county clerk of the county where each case shall arise: *Provided further*, That in cases where the office of county clerk is in question, the drawing shall take place before the sheriff of the county.

Duplicate statement of votes for Senator, etc.

(84.) SEC. 53. The said board shall, without delay, make a duplicate statement of the votes given for Senator, when the county alone does not constitute a Senatorial district, and deliver the same to the clerk of the county, to be delivered by him to the Senatorial district canvassers. Said board shall also make a duplicate statement of votes given for Representative in the State Legislature, when the county alone does not constitute a Representative district, and deliver the same to the said clerk, to be by him delivered to the Representative district canvassers.

County clerk to transmit copy of statement to Governor, Secretary of State, and State Treasurer.

(85.) SEC. 54. The county clerk shall prepare and certify, under his hand and seal of office, three copies of the statement of votes given for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State Board of Education; also three copies of the statement of votes given for Representative in Congress; also three copies of the statement of votes given for Electors of President and Vice President of the United States, after he shall have received such statement from the board of county canvassers; each of which statements he shall seal up in an envelope, and direct one of each to the Governor, one of each to the Secretary of State, and one of each to the State Treasurer, and transmit the same by mail, within five days after the county canvass, when a general election has been held, and within three days after the county canvass, when a special election has been held.

Certificate of determination to be delivered to persons elected.

(86.) SEC. 55. He shall also prepare as many certified copies of each certificate of the determination of the board of county canvassers, as well as of the several district canvassers, if such county shall be divided for representative purposes, as there are persons declared in such certificates to be elected, and shall, without delay, deliver one of such copies to each person so declared to be elected.

Clerk to transmit list of Representatives and

(87.) SEC. 56. Such clerk shall, within thirty days of a general election, transmit to the Secretary of State a list of the members

of the Legislature elected in the county, designating both the Senators and Representatives by their respective districts, and also a list of all the county officers elected in such county at such election.

(88.) SEC. 57. Whenever any amendment shall have been proposed to the Constitution, and agreed to and submitted to the people, pursuant to the provisions of the Constitution, if the vote thereon shall be required to be taken at a general election, the votes of the electors for and against such amendment shall be taken, canvassed, certified, and recorded, and certified copies of the statement thereof shall be made and transmitted by the several county clerks to the Governor, Secretary of State, and State Treasurer, at the same time and in the same manner as the votes for State officers are by law required to be taken and canvassed, and statements thereof to be certified, recorded, and transmitted.

Votes for and against amendment to Constitution—how taken and canvassed.

Const. Art. 20.

(89.) SEC. 58. Whenever any banking law for banking purposes, or amendments thereof, shall have been passed by the Legislature, approved by the Governor, and submitted to the people, pursuant to the provisions of the Constitution, if the vote thereon shall be required to be taken at a general election, the votes of the electors for and against such banking law, or amendment thereof, shall be taken, canvassed, certified, and recorded, and certified copies of the statements thereof shall be made and transmitted by the several county clerks to the Governor, Secretary of State and State Treasurer, at the same time and in the same manner as the votes for State officers are by law required to be taken and canvassed, and statements thereof to be certified, recorded, and transmitted.

Of banking law, or amendments thereto.

Const. Art. 15, Sec. 2.

(90.) SEC. 59. In each election district for the election of a Senator or Representative in the State Legislature, the limits of which shall be greater than those of a county, there shall be a board of district canvassers, and the clerks of the several counties within the district, the judge of probate, and the sheriff of the county in which the meetings of the board are to be held, shall constitute such board.¹

District can v e s ers.

(91.) SEC. 60. Any three of said canvassers shall be a quorum for the transaction of the business of said board; and in case there shall not be three of the members of such board present at any such meeting, the register of deeds or the county treasurer of the county where any such meeting is appointed to be held, or both of them, may act as members of such board; and, with the other

Quorum of board.

¹ See Act 180 of the laws of 1861, p. 294, evidently meaning general section 59 of the Compiled Laws of 1857, being Sec. 35 of this chapter.

members in attendance, shall constitute a board of not less than three in number.

Times and places
of meeting.

(92.) SEC. 61. The board shall meet in the district for the election of a Representative in the State Legislature, on the Tuesday next after the day on which the county canvass is appointed to be made, and in districts for the election of Senators, on the third Tuesday after the county canvass, at the office of the clerk of the county in such district having the greatest number of inhabitants, according to the last preceding census, unless otherwise provided by law.¹

Original state-
ments to be laid
before board.

(93.) SEC. 62. If either of the county clerks shall be unable to attend such canvass on the day appointed therefor, he shall, on or before that day, cause to be delivered at the office of the clerk of the county in which such meeting is to be held, the original statement of votes given in his county for the officer to be elected in such district, which statement shall be laid before said board.

Proceeding of
canvassers.

(94.) SEC. 63. The canvassers shall then proceed to examine the statement of the votes given in the several counties in the district, and ascertain and determine what persons have been elected, and to what offices, and shall draw up a statement thereof in words at length, which statement shall contain the whole number of votes given in the district for each office, and the names of the persons to whom such votes were given; and such statement shall be certified to be correct, and to be subscribed by the said canvassers, or a majority of them.

Board to deter-
mine persons
elected, and de-
liver certificate
to county clerk.

(95.) SEC. 64. The canvassers shall then determine the persons elected to the several offices within the district, as shall appear by such statement, and shall certify such determination under their hands, and annex the same to their said statement, and deliver the same to the clerk of the county in which their meeting shall be held, who shall file the same in his office; and said board shall cause a copy of such statement and certificate to be forthwith published in some newspaper printed in the district.

Duty of county
clerk in relation
to statement.

(96.) SEC. 65. The county clerk, by whom the said statement and certificate thereto annexed shall be filed, shall, without delay, transmit by mail to the Secretary of State, a copy of such statement and certificate of determination, certified by him under his hand and seal of office, and he shall also, without delay, prepare and certify as many copies of such certificate of determination as there are persons stated therein to have been elected, and cause one

¹ Vide note to general section 74.

of said copies to be delivered to each person so determined to be elected.

(97.) SEC. 66. The Secretary of State, the State Treasurer, and the Commissioner of the State Land Office, shall constitute the Board of State Canvassers, any two of whom shall be a quorum for the transaction of business; and if only one of said officers shall attend on the day appointed for a meeting of the board, the Auditor General, on being notified by the officer so attending, shall, without delay, attend with such officer, and with him shall form the board.

State canvassers.

Const. Art. 3,
Sec. 4.

(98.) SEC. 67. The Secretary of State, on the receipt of the certified copies of the statement of votes given in the several counties, directed by law to be sent to him by the county clerks, shall record the same in a suitable book to be kept by him for that purpose;¹ and if from any county clerk no such statement shall have been received by the Secretary of State, on or before the second Monday of December next after a general election, and on or before the thirtieth day after a special election, he shall call upon the Governor and State Treasurer, and receive from them, or either of them, the statement from such county [clerk], if the Governor or State Treasurer shall have received such statement.

Secretary of
State to record
statements.

When to call on
Governor and
State Treasurer
for statement.

(99.) SEC. 68. If, from any county clerk, no such statement shall have been received by the Secretary of State, the Governor, nor the State Treasurer, within the times limited, the Secretary of State shall forthwith send a special messenger to obtain such statements and certificates from such county clerk; and such clerk shall immediately, on demand being made by such messenger at his office, make out and deliver to him the statements and certificates required.

When to call on
county clerk for
statement.

(100.) SEC. 69. For the purpose of canvassing and ascertaining the result of elections, other than for Electors of President and Vice President, the Secretary of State shall appoint a meeting of the State Canvassers, to be held at his office, on or before the fifteenth day of December next after a general election, and within forty days after a special election, and shall notify the other members of the board of the same.

Secretary to ap-
point meeting of
board, etc.

(101.) SEC. 70. The said Board of Canvassers, when formed as aforesaid, shall examine the statements received by the Secretary of State, of the votes given in the several counties, and make a statement of the whole number of votes given for the offices of

Duty of Board
of State Canvass-
ers.

¹ See section 181.

Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State Board of Education, which statement shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each of such persons.

Duty of Board of
State Canvassers

(102.) SEC. 71. The said board shall also proceed to examine the statements received by the Secretary of State, of the votes given in the several counties, and make a statement of the whole number of votes given for the office of Representative in Congress in each Congressional district; which statement shall show the names of the persons to whom such votes shall have been given for said office, and the whole number of votes given to each person in each respective district.

Ibid.

(103.) SEC. 72. The said canvassers shall certify each statement made by them to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to each respective office, and make and subscribe on each statement a certificate of such determination, and deliver the same to the Secretary of State.

Secretary of
State to record
certificate of de-
termination and
deliver copy to
persons elected.

(104.) SEC. 73. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination, so made and delivered to him by the Board of State Canvassers; and shall, without delay, make out and cause to be delivered to each of the persons thereby declared to be elected, a copy of such determination, certified by him under his seal of office.

Votes for elect-
ors of President,
etc.; when and
how canvassed.

(105.) SEC. 74. For the purpose of canvassing and ascertaining the votes given for Electors of President and Vice President of the United States, the Board of State Canvassers shall meet on the Wednesday next after the third Monday of November, or on such other day before that time as the Secretary of State shall appoint; and the powers, duties, and proceedings of said board, and of the Secretary of State, in sending for, examining, ascertaining, determining, certifying, and recording the votes and results of the election of such Electors, shall be in all respects, as near as may be, as hereinbefore provided in relation to sending for, examining, ascertaining, determining, certifying, and recording the votes and results of the election of State officers.

Copy of certifi-
cate of determi-
nation to be de-

(106.) SEC. 75. The Secretary of State shall, without delay, cause a copy of the certified determination of the Board of State Can-

vassers, declaring the persons elected as such Electors, to be transmitted and delivered by special message or otherwise, to each of the persons so declared to be elected, which copies shall be certified under his hand and seal of office.

livered to persons elected.

(107.) SEC. 76. For the purpose of canvassing and ascertaining the result of the vote taken at a general election, upon any proposed amendment to the Constitution, or approval of any banking law, or amendment thereof, the Secretary of State shall appoint a meeting of the State Board of State Canvassers, to be held at his office, on or before the twentieth day of December next after such election; at which meeting the said Secretary shall lay before the board the statements received by him of the votes given in the several counties for and against such amendment to the Constitution, or for and against the approval of such banking law, or amendment thereof, as the case may be.

Canvass of votes on amendment to Constitution and banking law

(108.) SEC. 77. The board shall then proceed to examine such statements, and to ascertain and determine the result, and shall make and certify, under their hands, a statement of the whole number of votes given for, and the whole number of votes given against, such amendment of the Constitution, or for or against the approval of such banking law, or amendment thereof, as the case may be; and they shall thereupon determine whether such amendment to the Constitution, or such banking law, or amendment thereof, as the case may be, has been approved and ratified by a majority of the electors voting thereon, and shall make and subscribe on such statement a certificate of such determination, and deliver the same to the Secretary of State.

Board to ascertain and determine the result.

(109.) SEC. 78. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, such certified statement and determination; and if it shall appear that such amendment to the Constitution, or such banking law, or amendment thereof, has been approved and ratified, as aforesaid, he shall also record such determination in the book in which the original act of the Legislature is recorded, and shall cause any amendment to the Constitution to be published with the laws enacted by the Legislature at the next succeeding session thereof.

Determination to be recorded by Secretary of State, and published with laws

(110.) SEC. 79. The Secretary of State shall cause a copy of such determination and certificate of election to be published for two successive weeks in a newspaper published at the seat of government, immediately after receiving the same from the Board of State Canvassers.

Publication of determination of State Canvassers

Adjournment of
State Canvassers

(111.) SEC. 80. The said Board of State Canvassers shall have power to adjourn from day to day, for a term not exceeding five days.

Election of mem-
bers of Board of
Education.

(112.) SEC. 81. At the general election to be held in the year eighteen hundred and fifty-two, there shall be elected three members of the State Board of Education,—one for two years, one for four years, and one for six years; and at each succeeding general election there shall be elected one member of said board, who shall hold his office for six years and until his successor is elected and qualified; and the ballots for the members of the State Board of Education shall designate which of the persons so balloted for, for member of said board, is to hold the office for two years, which for four years, and which for six years; and the person receiving the greatest number of votes for the term so designated, shall be by the State Canvassers declared to be elected for such term.

Representative
in Congress.

(113.) SEC. 82. A Representative in the Congress of the United States shall be chosen in each of the Congressional districts into which the State is or shall be divided, at each general election; and if a Representative in Congress shall resign, he shall forthwith transmit a notice of his resignation to the Secretary of State; and

Vacancy.

if a vacancy shall occur, by death or otherwise, in the office of Representative in Congress, the clerk of the county in which such Representative shall have resided at the time of his election shall, without delay, transmit a notice of such vacancy to the Secretary of State.

Electors of
President and
Vice President.

(114.) SEC. 83. At the general election next preceding the choice of President and Vice President of the United States, there shall be elected by general ticket as many Electors of President and Vice President as this State may be entitled to elect of Senators and Representatives in Congress.

To convene at
Capitol.

(115.) SEC. 84. The Electors of President and Vice President shall convene at the capitol of the State on the first Wednesday of December; and if there shall be any vacancy in the office of an Elector, occasioned by death, refusal to act, neglect to attend by the hour of twelve o'clock at noon of that day, or on account of any two of such Electors having received an equal and the same number of votes, the Electors present shall proceed to fill such vacancy by ballot and plurality of votes; and when all the Electors shall appear, or vacancies shall be filled, as above provided, they shall proceed to perform the duties of such Electors, as required by the Constitution and laws of the United States.

How vacancy to
be filled.

(116.) SEC. 85. The Secretary of State shall prepare three lists of the names of the Electors, procure thereto the signature of the Governor, affix the seal of the State to the same, and deliver such certificates, thus signed and sealed, to one of the Electors, on or before the said first Wednesday of December.

SEC. 86.¹

(117.) SEC. 87. Whenever the seat of any such Senator shall become vacant before the expiration of the term for which he was elected, another Senator shall be elected to fill his place within ten days after the Legislature shall have notice of such vacancy, at the place where it shall be then sitting.

(118.) SEC. 88. Such election shall be made in the following manner: The Senate and House of Representatives shall each openly nominate one person for the office of Senator in Congress; after which they shall immediately meet in joint convention in the Hall of the House of Representatives, and if they shall agree in their nomination, the person so nominated shall be deemed elected; if they shall disagree, the election shall be made by a joint vote of the Senators and members of the House of Representatives, and a majority of the votes given in such joint convention shall be necessary to an election.

(119.) SEC. 89. Whenever any Senator shall be chosen as aforesaid, a copy of the resolutions of the Senate and House of Representatives, certifying such choice, signed by the President of the Senate and Speaker of the House of Representatives, shall be delivered to the Secretary of State and recorded by him; and he shall forthwith make out a certificate, under the seal of the State, and attested by him as Secretary, certifying such choice, and deliver the same to the person so chosen Senator, by mail or otherwise.

(120.) SEC. 90. Unorganized counties, with other parts of the State which may be attached to any organized county for judicial purposes, unless otherwise provided, shall be considered as a part of such organized county for all purposes concerning the election of officers who may be elected at a general or special election.

(121.) SEC. 91. The oath directed in this act to be taken by persons chosen to be inspectors, or appointed clerks of elections, shall be in the form prescribed in the first section of the eighteenth article of the revised Constitution of this State.

(122.) SEC. 92. Each county canvasser, sheriff, and county clerk shall receive such reasonable compensation for their services

¹ Repealed by Laws 1853, p. 24; also by Laws 1860, p. 1, Sec. 4; and a new law enacted. See general sections 146, 147, and 148.

while employed in the business of elections for county officers as shall be allowed by the board of supervisors or county auditors, to be paid by the county.

Compensation of district canvassers, etc.

(123.) SEC. 93. Each district canvasser, county clerk, or other person employed in canvassing and returning the result of the elections required by law to be certified by district canvassers to the Board of State Canvassers, shall receive such compensation therefor as the board of supervisors of their several counties shall deem reasonable, to be paid out of the treasury of such counties.*

No civil process to be served on electors on day of election.

1 Edwards, 838.
20 Wendell, 681.

(124.) SEC. 94. During the day on which any election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election.

Term of office.

(125.) SEC. 95. The person holding any office, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when any person shall be elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Term when elected to fill vacancy.

An Act to provide for the election of circuit judges and Regents of the University.

[Approved March 10, 1851. Laws of 1851, p. 20.]

When circuit judge and Regent to be elected and for what term.

(126.) SECTION 1. *The People of the State of Michigan enact,* That an election shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter, in each of the judicial circuits into which, under the revised Constitution and schedule thereto, and laws, the State is divided, by the electors thereof, of one circuit judge and one Regent of the University, who shall hold their offices respectively for the term of six years, and until their successors are elected and qualified.

Duties of inspectors of election.

(127.) SEC. 2. The inspectors of elections in the several townships and wards in cities throughout the State, are hereby required to prepare a ballot-box to receive all ballots that may be offered at such election for circuit judge and Regent of the University, both of which officers shall be voted for on one ballot.

Secretary of State to give notice to sheriffs.

(128.) SEC. 3. The Secretary of State shall, immediately after the passage of this act, transmit to the sheriff of each county included within the several judicial circuits of this State a notice, in writing, containing a brief statement of the contents of this

* As amended by Act 100 of 1861, p. 274, approved March 16, 1861.

act, and he shall cause a copy of this act to be published in such newspapers within the several judicial circuits as he may deem proper, once in each week from the date of the notice till the election aforesaid.

(129.) SEC. 4. The sheriffs of the several counties, on receiving the notice hereby provided for, shall, forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election of each ward in any city, of such election; and it shall be the duty of the township clerks and inspectors of election receiving said notice to give eight days' notice, except for the election in eighteen hundred and fifty-one, in writing, under their hands respectively, to the electors of the township or ward, of the time and place of holding such election, by posting the same up in at least three public places in the township or ward.

Sheriffs to notify township clerks, etc.

Township clerks to give notice.

(130.) SEC. 5. The election provided for by this act shall be conducted in the same manner as by existing laws is provided for the holding of a general election; and the inspectors of elections shall make the same canvass, statement, and returns, and they are hereby invested with the same powers and authority as are provided by the election laws of this State for a general election.

Election canvass, etc., to be same as general election.

(131.) SEC. 6. The county canvass for the several circuit judges and Regents of the University shall be on the second Tuesday succeeding the election, and be conducted in all respects in the same manner, and returns shall be made in the same manner and within the same time, as is provided by existing laws for the canvass of Representatives to Congress; but the county clerks of the several counties shall transmit one of the certified copies of the statement of votes to the State Treasurer, instead of the Auditor General.

County canvass, when held.

Statement, where returned.

(132.) SEC. 7. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute the Board of State Canvassers, and they are hereby authorized and required to proceed in the canvass and determination of the election of the several circuit judges and Regents of the University, in the same manner and within similar periods of time, as near as may be, as is provided by law for the canvass of the election of Representatives to Congress, and shall transmit similar notices to the persons declared to be elected to the offices of circuit judge and Regent of the University in the several judicial districts: *Provided*, That the Board of State Canvassers shall not determine the result of the election for a Regent of the University in the county of Wayne, until after the receipt of the several statements of votes given for a Regent of the University in the Upper Penin-

Board of State Canvassers.

Const. Art. 8, Sec. 4. Their duty.

Proviso as to county of Wayne

sula; provided such statement shall be received before the third Tuesday of November next ensuing, when said board shall proceed to canvass and determine the election of such Regent, as in other cases.

Commencement
of term.

(133.) SEC. 8. The officers elected under the provisions of this act, shall enter upon the discharge of their respective duties on the first day of January succeeding their election.

Oath to be ten-
dered to person
challenged.

(134.) SEC. 9. If any person offering to vote shall be challenged as unqualified, by any inspector or any elector qualified to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector, and if such person shall state that he is a qualified elector, and the challenge shall not be withdrawn, one of the inspectors shall tender to him such of the following oaths as he may claim to contain the grounds of his qualifications to vote :

Form of oath or
affirmation.

1st. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months, and in this township (or ward, as the case may be) ten days next preceding this election, and that you have not voted at this election ;" or

Ibid.

2d. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five, that you have resided in this State three months, and in this township (or ward, as the case may be) ten days next preceding this election, and that you have not voted at this election ;" or

Ibid.

3d. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you resided in this State on the first day of January, one thousand eight hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months, and in this township (or ward, as the case may be) ten days next preceding this election, and that you have not voted at this election ;" or

Ibid.

4th. "You do solemnly swear [or affirm] that you are twenty-one years of age, that you have resided in this State two years and six months next preceding this election, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this township (or ward, as the case may be) ten days next preceding this election, and that you have not voted at this election ;" or

5th. "You do solemnly swear [or affirm] that you are twenty-one ^{ibid.} years of age, that you are a native of the United States, that you are of Indian descent and do not belong to any tribe, that you have resided in this State three months, and in this township (or ward, as the case may be) ten days next preceding this election, and that you have not voted at this election."

If such person so challenged will take either of the above oaths, ^{If oath taken, vote to be received.} his vote shall be received; but if such person shall therein swear ^{Penalty for swearing falsely.} falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury.

SEC. 10. This act shall take effect immediately.

An Act to amend section two, of chapter nine, of the Revised Statutes of eighteen hundred and forty-six.

[Approved January 29, 1853. Took effect May 16, 1853. Laws of 1853, p. 15.]

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter nine of the Revised Statutes of eighteen hundred and forty-six, be amended so as to read as follows:

(135.) SEC. 2. The Secretary of State, on the receipt of the certified copies of the statement of votes given in the several counties directed by law to be sent to him by the county clerks, shall ^{Secretary of State to record statement of votes given in the several counties.} make a record of the aggregate number of votes given for each person in the several counties, in a suitable book to be kept by him for that purpose, and shall place on file and preserve such certified copies in his office.¹

An Act relative to elections.

[Approved April 2, 1849. Laws of 1849, p. 355.]

(136.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever in elections of members of the State Legislature, or county officers, it shall appear, on the legal canvass of the votes, that two or more persons have received an equal number of votes, and that a failure to elect to any office is caused thereby, such persons shall draw lots for election to such office in the manner following: The proper board of canvassers in each case shall appoint a day for the appearance of all such persons before the proper officer hereinafter pro-

^{Proceedings when two or more persons have equal number of votes for members of the Legislature and county officers.}

¹See section 91. The section amended by this act is regarded as superseded by the act of June 27, 1851, which comprehends the whole subject of General and Special Elections.

vided, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons. The officer before whom said drawing is to take place shall prepare as many slips of paper as there are such persons, and write the word "Elected" on as many of said slips of paper, as there are offices to be filled, and the words "Not elected" on the remaining slips, and fold the same so as to conceal the writing, and so that all may appear as nearly alike as possible; said slips shall all be placed in a box, and at the time and place appointed for the drawing of said lots, each of such persons aforesaid may draw one of said slips from the box, and any such person drawing a slip in which is written the word "Elected" shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election.

Drawing of lots,
who to be before

(137.) SEC. 2. Drawing of lots, under the provisions of the preceding section, shall take place before the following officers: For the office of State Senator, before the county clerk of the county where the Senatorial canvass is held; for the office of Representative in the Legislature, and for any county office, before the county clerk of the county where each case shall arise: *Provided*, That in cases where the office of county clerk is in question, the drawing shall take place before the sheriff of the county.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to change the time of holding the election for State and county officers in the Upper Peninsula, and to repeal the existing law on that subject.

[Approved March 7, 1863. Laws of 1863, p. 96.]

Election, time of (138.) SECTION 1. *The People of the State of Michigan enact, That* in the year eighteen hundred and sixty-four, and every two years thereafter, the election for all State and county officers in the Upper Peninsula, shall be held on the Tuesday succeeding the first Monday in November, and shall be conducted, in all respects, in accordance with the law relative to holding general elections.

Act repealed.

(139.) SEC. 2. The act entitled "An act to provide for holding general elections in the Upper Peninsula," being section one hundred and thirty-four, of chapter six, of the compiled laws, be and the same is hereby repealed.

Returns of
elections.
Const. Art. 19,
Sec. 6.

(140.) SEC. 3. The returns of elections in the Upper Peninsula shall be made at the several places, and within the same period of time after the day of election, as is now provided by law for making election returns in the Upper Peninsula.

An Act to abolish the office of district attorney for the Upper Peninsula, and provide for the election of prosecuting attorneys of the several counties therein. ¹

[Approved February 3, 1857. Laws of 1857, p. 43.]

(141.) SECTION 1. *The People of the State of Michigan enact,* Prosecuting attorneys to be elected in Upper Peninsula; when elected.
At the election to be held in said Upper Peninsula on the last Tuesday of September, in the year eighteen hundred and fifty-seven, and every two years thereafter, a prosecuting attorney for each organized county of said Upper Peninsula shall be elected by the electors thereof, whose term of office shall commence on the first day of January next succeeding his election; and said prosecuting attorney shall have all the rights, powers, and duties of prosecuting attorneys under the general laws of this State. ² Term of office. Powers and duties.

(142.) SEC. 2. The election for said prosecuting attorney shall be notified, conducted, canvassed, certified, and recorded, and the result thereof notified and transmitted in all respects, as near as may be, in conformity with the provisions of the statutes of this State, applicable to the election of county officers, except that the county canvass shall be on the second Tuesday next following the election. And any and each of the prosecuting attorneys elected as aforesaid, shall be subject to all provisions of law relative to prosecuting attorneys in this State. ³ Manner of conducting elections. Canvass, etc. Prosecuting attorney to be subject to general laws.

SEC. 3. ⁴

An Act to change the time of holding the election for prosecuting attorney in the Upper Peninsula.

[Approved March 13, 1865. Laws of 1865, p. 323.]

(143.) SECTION 1. *The People of the State of Michigan enact,* Election, when held.
That at the time of electing county and State officers, on the Tuesday succeeding the first Monday in November, in the year eighteen hundred and sixty-six, and every two years thereafter, there shall be elected a prosecuting attorney in each of the counties in the Upper Peninsula; and the said election shall be conducted, the returns made, and the votes canvassed in all respects as is now provided by law for making election returns in the Upper Peninsula. ⁵ How conducted.

SEC. 2. This act shall take immediate effect.

¹ See preceding act as to time and returns of elections.

² See general section 143.

³ See general section 144.

An Act to abolish the office of district attorney of the Upper Peninsula.

[Approved March 15, 1865. Laws of 1865, p. 320.]

Office abolished. (144.) SECTION 1. *The People of the State of Michigan enact,*
That the office of district attorney of the Upper Peninsula, be and
the same is hereby abolished.

Acts repealed. (145.) SEC. 2. That all acts and parts of acts contravening the
provisions of this act, be and the same are hereby repealed.

SEC. 3. This act shall take immediate effect.

An Act to designate the time and provide the manner of electing United States Senators.

[Approved January 18, 1869. Laws of 1869, p. 1.]

Time of electing. (146.) SECTION 1. *The People of the State of Michigan enact,*
That the Legislature which shall be chosen next preceding the
expiration of the time for which any Senator was elected to rep-
resent this State in the Congress of the United States, shall, on
the second Tuesday after the meeting and organization thereof,
proceed to elect a Senator in Congress, in the place of such Sena-
tor so going out of office, in the following manner: Each House
shall openly, by a *viva voce* vote of each member present, name
one person for Senator in Congress; and the name of the person
so voted for, who shall have a majority of the whole number of
votes cast in each House, shall be entered on the journal of each
House by the Clerk or Secretary thereof; but if either House shall
fail to give such majority to any person on such day, that fact
shall be entered on the journal. At twelve o'clock, meridian, of
the day following that on which proceedings are required to take
place as aforesaid, the members of the two Houses shall convene
in joint convention, and the journal of each House shall then be
read; and if the same person shall have received a majority of all
the votes in each House, such person shall be declared duly elected
a Senator to represent this State in the Congress of the United
States; but if the same person shall not have received a majority
of the votes in each House, or if either House shall have failed to
take proceedings as required by this act, the joint convention shall
then proceed to choose by a *viva voce* vote of each member present,
a person for the purpose aforesaid; and the person having a major-
ity of all the votes of the said joint convention, a majority of all
the members elected to both Houses being present and voting,
shall be declared duly elected; and in case no person shall receive

Each House to
name a candi-
date.

Entries to be
made on jour-
nals.

Joint convention

Journals to be
read.
A majority vote
in each House to
elect.

such majority on the first day, the joint convention shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote, until a Senator shall be elected.

(147.) SEC. 2. Whenever, on the meeting of the Legislature, a vacancy shall exist in the representation of this State in the Senate of the United States, the Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then, on the second Tuesday after the Legislature shall have been organized, and shall have notice of such vacancy, the Legislature shall proceed to elect as aforesaid. ^{vacancies; how filled.}

(148.) SEC. 3. It shall be the duty of the Governor, upon the election of a Senator as herein provided, to certify his election to the President of the United States, which certificate shall be countersigned by the Secretary of State, under the seal of the State. ^{Governor to certify election.}

(149.) SEC. 4. All acts or parts of acts, contravening the provisions of this act, are hereby repealed. ^{Acts repealed.}

SEC. 5. This act shall take immediate effect.

An Act to provide for the election and classification of Regents of the University.

[Approved March 19, 1863. Laws of 1863, p. 274.]

(150.) SECTION. 1. *The People of the State of Michigan enact,* That a general election shall be held in the several townships and wards of this State, on the first Monday in April, in the year one thousand eight hundred and sixty-three, and on the first Monday in April in every second year thereafter, for the election of Regents of the University, who shall enter on the duties of their office on the first day of January next succeeding their election. ^{General election for Regents.}

(151.) SEC. 2. At the election to be held on the first Monday of April, in the year one thousand eight hundred and sixty-three, there shall be elected eight Regents of the University, who shall be divided into four classes, of two each, to be numbered one, two, three, and four, whose term of service shall commence on the first day of January, one thousand eight hundred and sixty-four. The term of service of class number one shall expire in two years; the term of class number two shall expire in four years; the term of class number three shall expire in six years; the term of class number four shall expire in eight years from the first day of Janu- ^{Election in 1863.} ^{How classified.} ^{Term of service of each class.}

Biennial election ary, one thousand eight hundred and sixty-four. After the first election, two Regents shall be elected every two years, and their term of office shall be eight years. The place of each class shall be filled by an election at the general election to be held on the first Monday in April next preceding the expiration of their term of service.

Duty of Secretary of State. (152.) SEC. 3. The Secretary of State shall, immediately after the passage of this act, transmit to the sheriff of each organized county, by mail, a written or printed circular, containing a brief statement of the contents of this act, and shall cause a copy of this act to be printed in such newspapers in each judicial circuit as he may deem proper, once in each week, until the first election to be held in pursuance thereof.

Sheriffs to give notice of election (153.) SEC. 4. The sheriffs of the several counties, on receiving the notice herein provided for, shall forthwith notify, in writing, the township clerk of each township, and one of the inspectors of election in each ward in any city in his county, of such election.

Elections; how conducted. (154.) SEC. 5. The several Regents of the University, to be elected as aforesaid, shall be voted for on the same ballots with the Justice or Justices of the Supreme Court and circuit judge, to be chosen at such election; and the election provided for by this act shall be conducted in the same manner, and by the same officers, and the same notices of time and place shall be given as by existing laws for election of Justices of the Supreme Court, and the inspectors of election shall make the same canvass, statement, and return, and shall be invested with the same powers, as are provided by the laws of this State for a general election.

Canvass; State and county, how conducted. (155.) SEC. 6. The county and State Board of Canvassers for said election shall consist of the same persons as provided by existing laws for canvassing votes for State officers, and the canvass shall be held and conducted in the same manner, and at the same time, and the like statements and returns shall be made, and the said board shall be charged with the same duties, and invested with the like powers as provided by existing laws for canvassing votes for Justices of the Supreme Court and circuit judges, and the Secretary of State shall perform the same duties in relation thereto, and all the proceedings shall be conducted in accordance with the laws regulating the canvass of votes cast at a general election, so far as the same are applicable.

Board of State Canvassers to determine classes of Regents by lot. (156.) SEC. 7. After the canvass and determination, by the Board of State Canvassers, of the result of such election, they shall prepare eight slips of white paper, of equal size, on each of which

shall be written the name of one of the Regents so elected, which slips shall be put into a box, and shaken up by one of the board, when the other members of the board shall each, in alternation, draw out one of the slips, until they are all drawn. The two persons whose names shall be drawn first and second in order shall constitute class number one; the two persons whose names shall be drawn third and fourth shall constitute class number two; the two persons whose names shall be drawn fifth and sixth shall constitute class number three; and the two persons whose names shall be drawn seventh and eighth shall constitute class number four. The board shall certify and sign a statement of the time, mode, and result of the drawing, and the class assigned thereby to each of the Regents, and deliver the same to the Secretary of State, who shall record the same in his office with the record of the election of said Regents, and shall, without delay, make out and send by mail or cause to be delivered to each of the persons thereby declared to be elected, a copy of such determination and of the class assigned to him on such drawing, certified by said Secretary of State, under his seal of office.

SEC. 8. This act shall take immediate effect.

An Act to secure uniformity in election returns.

[Approved March 18, 1867. Laws of 1867, p. 68.]

(157.) SECTION 1. *The People of the State of Michigan enact,* That the Secretary of State be required to prepare and transmit, at least sixty days before any general or special election at which other than township officers are to be elected, to the several county clerks, suitable blank forms, to enable inspectors of elections and township or city clerks to make returns of elections to the respective county or district board of canvassers. Secretary of State to furnish blanks.

(158.) SEC. 2. That the several county clerks shall, after receiving the blank forms, and at least ten days before any general or special election, at which officers shall be elected requiring the transmission of a statement of votes to a board of canvassers, deliver to the several township or city clerks of their respective counties a sufficient number of such blank forms to enable said township or city clerks and inspectors of elections to make returns of such general or special election to the respective boards of canvassers, as required by law. Duty of county clerks before elections.

SEC. 3. This act shall take immediate effect.

An Act further to preserve the purity of elections, and guard against the abuses of the elective franchise, by a registration of electors.

[Approved February 14, 1859. Laws of 1859, p. 483.]

Registration ordered.	(159.) SECTION 1. <i>The People of the State of Michigan enact,</i>
Board of registration.	
Board to provide books or registers.	
Registers, how arranged and what to contain.	

That there shall be in the year one thousand eight hundred and fifty-nine, a registration of the qualified electors of the State. The aldermen of every incorporated city, and the supervisor, treasurer, and clerk of every township, shall constitute a board of registration for such city or township, and their duties shall be as follows: They shall respectively provide suitable bound books or registers, one for each township and one for each ward, so made and arranged as to contain an alphabetical list of the respective names, Christian or baptismal, and surnames, in full, of all persons declared by the Constitution of the State to be electors and entitled to vote, residing in their townships or wards, and the date of the registration; and, if the elector resides in a city or incorporated village, also his residence by the number of the dwelling and the name of the street, if any, and if none, a description of the locality of the same.

REGISTRATION IN CITIES.

City boards to publish notice of meeting of board of registration.	(160.) SEC. 2. Each city board shall, at least two weeks previous to the time of their meeting in each ward, cause to be published in one or more newspapers printed and published in such city, a notice that the board of registration will meet on the first Monday of October, in the year one thousand eight hundred and fifty-nine, at nine o'clock in the forenoon, to make a perfect list, as near as may be, of all persons residing in such ward, qualified as electors under the Constitution; and designating the place in each ward where said board will meet for that purpose. And they shall also cause handbills to be posted in at least twenty conspicuous places in each ward, containing a similar notice of the time and place of such meeting of the board for that ward; which notice shall also contain a true copy of section one of article seven of the Constitution, relative to the qualifications of electors. And the board may so divide and classify themselves that two or more of them may be assigned to different wards, the more speedily to complete the registration; and in case of the sickness or absence of any alderman, or his inability or refusal to serve at the session in any ward, the board shall, in writing, under the hand of their chairman, immediately appoint the assessor of the ward, or any justice of the peace, to act in his stead, who shall be, for the purpose of reg-
Time and place of meeting designated.	
Handbills to be posted.	
What notice to contain.	
Board may classify to facilitate registration.	

Duty of board as to vacancies.

istration in that ward, deemed a member of the board of registration. They shall continue in session not less than three nor more than five days in each ward. All necessary blanks and instructions to aid the board in the discharge of their duties, and all other expenses in performing the same, including the employment of printers for printing such notices, and the registry lists, shall be provided by the board and be paid for by the city.

Length of session.

Expenses, how paid.

(161.) SEC. 3. At the time and place mentioned in such notice, the board, or those members thereof so classified and assigned for that ward, shall meet and proceed to the registration in such book, which book shall be called the "Register of Electors" for such ward, of the names of persons at the time residing in such ward, and so qualified as follows, to wit: Their sessions shall be public, and during the first two days thereof they shall not write in the register the name of any person without a request made by him personally and in their presence; but shall allow him, if able and willing so to do, to write his own name therein in the proper place. In case of such request, the name of the elector shall be plainly written by a member of the board, who shall also note his residence as required by section one of this act. After the first two days of the session it shall be the duty of such board to proceed to complete the list, by writing in such register the names of all the remaining residents of the ward, known by them to be such and to be qualified as aforesaid, with the proper descriptions above mentioned; but they shall, during their whole session, permit any such qualified person residing in the ward, whose name has not already been entered in the register, to write it there himself. Opposite to every name on such register, shall be noted by the board the day and year of its entry, and during such session and all future sessions of the board in any city or township, they may, for their better information in making the registration, have before them the poll list of the next preceding general election, charter election, or township meeting, to be returned to the proper keeper at the close of the session, and all such entries shall be made with ink. The board at every session shall have power, and it shall be their duty, to question every person presenting himself for registration, touching his residence and other qualifications as an elector of the ward, and it shall be the duty of the applicant to make truthful answers to all such questions, and the board may, for the more perfect examination of the applicant, swear and employ an interpreter, truly and impartially to interpret all such questions and answers, and if the applicant shall, in his answers, make any mate-

Duty of boards of registration.

Session to be public.

Registration; how made.

Board may question and require applicant to make oath.

Penalty for making false statement.

rial statement which is false, he shall, upon conviction thereof, pay a fine of not more than one hundred nor less than five dollars, and be imprisoned in the county jail not more than thirty nor less than five days.

What persons not entitled to registration.

(162.) SEC. 4. The name of no person but an actual resident of the ward at the time of the registration, and entitled under the Constitution, if remaining such resident, to vote at the then next general or charter election, shall be entered in the register. Neither the board, nor any member thereof, shall write or enter in the register the name of any person, nor suffer him to write or enter his name therein, whom they know, or have good reason to believe, not to be such resident and so qualified; nor shall any person knowing or having good reason to believe himself not to be such resident and so qualified, write his name therein or cause it to be done; and every person so offending shall, upon conviction, be punished for each offense by a fine of not more than five hundred nor less than twenty-five dollars, and be imprisoned in the county jail not more than ninety nor less than ten days.

Penalty for fraudulent registration.

REGISTRATION IN CITIES AFTER 1859.

Time for registration in cities.

(163.) SEC. 5. On the Saturday next preceding the general election, and on the day (Sunday excepted) next preceding the day of the regular charter election, or any special election, and on such other days as shall be appointed by the common council of the city, not exceeding three days in all previous to any said election, the board of registration of the city, to be constituted as aforesaid, shall be in session at such places in the several wards as they shall designate in their notices, to be published and posted up as herein-after provided, from eight o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of completing the lists of the qualified voters; during which session it shall be the right of each and every person then actually residing in the ward, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done in the manner above described; and such boards, and each member thereof, and each applicant for registration, is hereby vested and charged with the same rights, powers, duties, and penal liabilities, touching the examination of applicants, as hereinbefore provided: *Provided*, That the provisions of this amendment shall not apply to electors in the city of Detroit.¹

Proviso.

¹ As amended by 194 of the Laws of 1908, p. 344, approved and took effect March 20, 1908.

(164.) SEC. 6. At least two weeks previous to the commencement of any such session, the board, at the expense of the city, shall cause a notice thereof to be printed and published in one or more newspapers in such city, designating the place of holding the same, and shall cause the same notice to be printed in handbill form, and posted up in at least ten conspicuous places in each ward; which handbill shall also contain a true copy of the list of names then appearing in the register for the ward. And immediately after the close of the polls of such election, the clerk of the board of inspectors of that election, and before the counting of the votes, shall, under the direction and by the assistance of the inspectors, insert and write upon or attach to such printed handbill all the names of electors appearing on the register and not on such handbill, so that such handbill so corrected shall be a true copy of the list then appearing in such register, and shall, with the inspectors, or a majority of them, certify and sign such copy and file the same in the office of the county clerk, who shall carefully keep and preserve the same, and the same shall be evidence, *prima facie*, of the original; and in case of the loss or destruction of the original, the same or a certified copy thereof shall be used in its stead.

Notice to be given.

What notice shall contain.

Duty of inspectors of election.

(165.) SEC. 7. At the close of their sessions, the board, or the members who made the registration in the particular ward, shall sign the list, adding the date of their signature, and shall immediately deposit the same for safe keeping with the city clerk, who shall carefully preserve the same in his office until delivered as hereinafter provided.

List of registration to be filed with the city clerk.

(166.) SEC. 8. At any such general, special, or charter election in the city, and as soon at least as the poll in each ward is opened, the city clerk shall cause the proper register to be placed in the hands of the inspectors of election, to be used by them during the same, and returned to the city clerk immediately thereafter; and they shall not receive the vote of any person whose name is not written therein. But if any person shall offer and claim to vote at such election, whose name is not so registered, his name may be registered by the clerk of the election, under the direction of the inspectors, upon the same terms and conditions hereinafter prescribed for the like cases arising at elections in townships, substituting *ward* for *township*; and both the applicant and the qualified elector shall be subject to the same penalties prescribed in cases so arising.

List to be given to inspectors of election.

Names may be registered on the day of election.

REGISTRATION IN TOWNSHIPS.

Registration in townships; who to constitute the board.

(167.) SEC. 9. It shall be the duty of the board of registration in each township, to wit: The supervisor, treasurer, and clerk thereof, and in case of the absence of any of them, or his inability to serve, the justice of the peace not holding the office of supervisor or town clerk, whose term of office will first expire, to provide at the expense of the township the like book for their township for the purposes of the like registration of the qualified electors thereof, to be arranged in the same manner, save that in cases where the elector does not reside within the limits of an incorporated village, a description of his residence may be omitted; but in case he resides within such limits and in the township, a description of his residence by the street and the number of the dwelling, or other brief but intelligible method; and the names of such resident electors of the village shall be written in said register in a list separate and distinct from those of other electors of the township, so as to exhibit a correct registration for the village; which list shall be called the village election register.

Books of registration; how arranged.

REGISTRATION IN TOWNSHIPS IN 1859.

Proceedings at township elections in 1859.

(168.) SEC. 10. At the annual meeting of each township, on the first Monday of April, in the year one thousand eight hundred and fifty-nine, the township treasurer shall, at a place as near as practicable to that of the meeting, and of convenient access to the electors, have said book or register in readiness for the entry of their names, and each qualified elector residing in the township may then write his name at length in the proper place in said register, if able and willing to do so, or the treasurer shall, upon request made in his presence by the elector personally, write the name of such elector in its proper place. And in all cases under this act the board or the members thereof, receiving or making the entry of a name, shall note or cause to be noted the day and year thereof. During such township meeting and during all future sessions of the board, the township poll list of the next preceding general election or township meeting, shall be before him or them for their better information in making the registration, to be returned to the clerk at the close of the meeting or the session. The supervisor or other person or persons charged by law with the assessment of property in the township for the purpose of State taxation, shall, while making such assessment, and in connection with the performance of that duty, in the year one thousand eight hundred and fifty-nine, have with him the said register, and shall

Board to have access to township poll list.

Supervisor to register names while making assessment.

allow each qualified elector residing in the township whose name has not been entered therein, to write the same, or shall himself, at the like personal request of the elector, write the same therein at the proper place, and shall, after completing his valuation of property, and on or before the first day fixed by law for reviewing his assessment, deposit said register with the township clerk, who shall carefully keep and preserve the same in his office. Register to be deposited with township clerk.

(169.) SEC. 11. After the year one thousand eight hundred and fifty-nine, it shall be the right of any such qualified elector residing in the township, and entitled to vote at the next election therein, and whose name has not been registered, on any day except Sunday, the days of the session of the board of registration, and the days intervening between them and the next approaching election, to apply to the township clerk in person for the registration of his name; and if upon such examination, as is required by the next following section of this act, the clerk shall be satisfied that such applicant is a resident of the township and otherwise qualified and entitled to vote in such township at the then next election to be held therein, the name of such applicant shall be written either by himself or by the clerk upon a separate paper to be kept by the clerk, his residence described, and the date of the entry noted, as required in the two last preceding sections; which paper shall be laid before the board of registration of each township at its next meeting, for examination and review; and the names of such persons appearing thereon as the board shall be of opinion are qualified electors at the then next election, and entitled to vote thereat, may, by some member of the board, and under their direction, be entered in the proper register in the manner above set forth. And every applicant to the clerk so causing his name to be entered upon such separate paper, knowing or having good reason to believe himself not to be such resident and qualified to vote in such township at the then next election, shall, upon conviction thereof, be punished by fine and imprisonment, as provided in the thirteenth section of this act. Registration after 1859, how made. Penalty for fraudulent registration.

REGISTRATION IN TOWNSHIPS AFTER 1859.

(170.) SEC. 12. On the Saturday next preceding the general election, and the annual township meeting, and preceding any special election, after the year one thousand eight hundred and fifty-nine, the board of registration of each township shall be in session at the office of the township clerk, from nine o'clock in the forenoon until five o'clock in the afternoon, for the purpose of completing the list of qualified electors; during which session it Sessions of boards of registration; when held.

Their powers
and duties.

Penalty for false
statement.

Who not enti-
tled to registra-
tion.

Penalty for
fraudulent registra-
tion.

Township clerk
to deliver regis-
ter to inspectors
on day of
election.

Names may be
registered on
election day.

shall be the right of each and every person who, at the next approaching election or township meeting, may be a qualified elector and entitled to vote thereat, and whose name is not already registered, to have his name duly entered on such register, which shall be done in the manner above set forth. The board shall have the power, and it shall be their duty, and the duty of the clerk, and of the supervisors individually, when acting under this statute, to question every person presenting himself for registration, touching his residence, and his other qualifications as an elector of the township, and it shall be the duty of the applicant to make truthful answers to all such questions. And the board, supervisor, clerk, or treasurer, as the case may be, may, for the more perfect examination of the applicant, swear and employ an interpreter, truly and impartially to interpret such questions and answers. And if any such applicant shall, in his answers, make any material statement which is false, he shall, upon conviction thereof, pay a fine of not more than one hundred dollars nor less than five dollars, and be imprisoned in the county jail not more than thirty nor less than five days.

(171.) SEC. 13. The name of no person but an actual resident of the township at the date of the registration, and entitled under the Constitution, if remaining such resident, to vote at the then next election or township meeting, shall be entered in the register. Neither the board, nor any member thereof, shall write or enter therein the name of any person, nor suffer him to write or enter his name therein, whom they know or have good reason to believe not to be such resident and so qualified; nor shall any person, knowing or having good reason to believe himself not to be such resident and so qualified, write his name therein; and every person so offending shall, upon conviction, pay for each offense a fine of not more than five hundred nor less than twenty-five dollars, and be imprisoned in the county jail not more than three months nor less than ten days.

(172.) SEC. 14. At such election or township meeting, and as soon at least as the poll is opened, the township clerk shall cause the register to be placed in the hands of the inspectors of the election, to be used by them during the election, and to be returned to the clerk immediately thereafter; and they shall not receive the vote of any person whose name is not written therein. But in case any person shall offer and claim the right to vote whose name is not so registered, his name may then be registered by the clerk, under the direction of the inspectors, upon the terms and conditions

following: One of the inspectors shall administer to him an oath in the following form, viz: You do solemnly swear that you will true answers make to such questions as shall be asked you touching your qualifications as an elector at this poll so help you God; or an affirmation to the same effect, which oath or affirmation, if he be unable to understand the English language, may be interpreted to him by an inspector, or interpreter sworn by an inspector, which interpreter shall also interpret his answers to the inspectors.

If, in his answers on oath, he shall state positively that he has resided in the township ten days next preceding said election, designating particularly the place of his residence, and that he possesses the other qualifications of an elector under the Constitution, stating such qualifications; and shall, furthermore, swear that owing to the sickness or bodily infirmity of himself or of some near relative residing in the same household (giving the name of said relative,) or, owing to his absence from the township, on public or official business, or his own business, and without intent to avoid or delay his registration, during the then last session of the board, he has been prevented from causing his name to be previously registered; and if, furthermore, some qualified elector of the township, and not a candidate for any office at that election, shall take an oath before said inspectors, which oath any one of them may administer, that he is well acquainted with such applicant, that he has in fact resided in the township ten days previous to such election, and that he, the freeholder [qualified elector], has good reason to believe, and does believe, that all the statements of such applicant are true, the inspectors may, in their discretion, direct the clerk to register his name in the proper place, with the proper date; and if such applicant or such qualified elector shall in said matter willfully make any false statement, he shall be deemed guilty of perjury, and, on conviction, be subject to the pains and penalties thereof. Conditions of such registration. Penalty.

(173.) SEC. 15. Any person offering to vote at any such election, in a city, township, or village, whose name is not written in the proper register, may be objected to, and his vote challenged for that cause by any elector present and entitled to vote at that poll; and on such challenge being made, the inspectors shall, if on inspection they find his name not so written in the proper register, refuse the vote. But nothing in this act contained shall be held or construed in any way to affect or impair the right of any inspector or elector to challenge any person offering to vote, nor the effect of such challenge, as now established by law, or as such right and Vote may be challenged.

Proviso. such effect may hereafter be established : *Provided however*, That the vote of no person shall be received whose name is not so registered.

Penalty for illegal voting. (174.) SEC. 16. Any person knowing that his name is not so registered, who shall vote or offer to vote at any such election, either in a city or township, and every inspector knowing such name not to be so registered, willfully and corruptly consenting to receive such vote, shall, if the vote be received by reason of such consent, be, for every such offense, punished as above provided in section thirteen of this act; and on the trial of the person so voting or offering to vote, the presumption shall be that he knew his name was not so registered.

Actual residence a condition of registration. (175.) SEC. 17. The name of no person shall be registered in any township or ward where he does not actually reside at the time of the registration; and every person who shall willfully register, or cause or procure, by enticements or other means, the name of any person to be registered contrary to the provisions of this act, shall, upon conviction of any such offense, be also punished as above provided in section thirteen of this act.

Penalty.

DEATH AND REMOVAL OF ELECTORS.

Board to review and correct lists. (176.) SEC. 18. At every session of the board of registration of any township or ward after the year one thousand eight hundred and fifty-nine, it shall be their duty to review the list of names in their register, and if it shall have come to their knowledge that any person whose name has been registered has died or has removed therefrom and ceased to reside therein, they shall place the letter "D" against the name of the deceased person, and the letter "R" against the name of the person who has so removed, with the date of the entry and the initials of the name of the member making it, so as to show by whom and when made, and thereafter such name shall be considered and treated as no longer in the list, and shall be omitted in the copies above provided for. But if it shall happen that such entry was erroneously made, and such person shall thereafter appear at any election and claim the right to vote thereat, his name may, on his application, be again registered, but upon the following terms: He shall, upon his oath or affirmation, which any member of the board of inspectors or the board of registration may administer, declare that he has not removed from, but is still a resident of the township or ward, and is otherwise a qualified elector and entitled to vote. And on making such oath or affirmation, his name may be registered in the manner

Provisions for a subsequent registration.

Conditions.

above described, either by the board of registration or the board of inspectors. And if such applicant shall swear or affirm falsely, he shall be liable to the pains and penalties of perjury. But in case such entry shall be made falsely, maliciously, and without credible information, the member of the board making it shall be deemed guilty of a misdemeanor, and be punished as such, and the party aggrieved shall be entitled to recover of him in an action on the case, treble damages for the injury, and treble costs of suit, in any court having jurisdiction of the cause, and the record of the defendant's conviction of the criminal's offense, duly authenticated, shall be *prima facie* evidence of his liability.

Penalty.

Penalty for false entry.

(177.) SEC. 19. It shall be the duty of any city or township clerk, except during the session of the board or on days of election, on the demand of any qualified elector of the ward in such city, or of such township, on payment or tender of his legal fees, to make out, certify, and at his office deliver to such elector a true copy of the contents of the register of election of such ward or township, for which he shall be entitled to receive at the rate of fifty cents for every one hundred names.

Copy of register furnished by township clerk.

(178.) SEC. 20. Whoever shall willfully cut, burn, mutilate, or destroy any such register of electors, or copy thereof filed for preservation, or shall unlawfully take and carry away the same, or unlawfully conceal or refuse or neglect to surrender the same, with intent to prevent its being used as authorized by law, shall be deemed guilty of larceny; and whoever shall falsify any such register or copy by unlawfully erasing or obliterating any name or entry lawfully made therein, or by unlawfully inserting therein any name, note, or memorandum, with intent thereby to influence or affect the result of any election or to defraud any person of an election to office, shall be deemed guilty of forgery; and the person so offending shall, for every such offense, be punished by imprisonment in the State Prison not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year nor less than ninety days.

Destroyer, etc., of register, guilty of larceny.

Falsifier, etc., of register guilty of forgery.

Penalty.

(179.) SEC. 21. To the end that the contents of such registers may not be lost, it shall be the duty of every township clerk, within twenty days after each general election, to make, certify, and transmit to the county clerk of the proper county, and also to the township treasurer, a true copy of such contents, to be by such county clerk and township treasurer filed and preserved in his office; for which, when received, he shall give such township clerk a receipt; and such township clerk shall be entitled to receive

Township clerk to file copies of register with county clerk and township treasurer.

Fees.

therefor, from the township, at the rate of fifty cents for every one hundred names. And such copy, or a copy thereof, certified by the county clerk or township treasurer, shall be *prima facie* evidence of the contents of the original, and in case of the loss or destruction of the original, shall be used in its stead.

Certified copy to be evidence.

VILLAGE ELECTIONS.

Village elections. Duty of president and trustees.

(180.) SEC. 22. It shall be the duty of the president and trustees of every incorporated village, or the persons who are by law authorized to make by-laws, and charged with the general power to regulate and control the municipal affairs of the village, to procure from the clerk of the township or of the townships, respectively, within which said village may wholly or in part lie, and it is hereby made his duty to furnish to them, at the expense of the village, from the register of electors of the township or townships within which such village is situated, a true copy of the village election register, to be certified by such township clerk, and to be delivered to the inspectors of election in such village, and used for the purpose of the village election, in the same manner and to the same effect as is above provided for the general election and township meetings in townships, as near as may be; and there are hereby given to the inspectors of any such village election, the same power and authority, and to applicants for registration the same rights and privileges, which are given to township inspectors and to applicants at township elections, respectively, at such elections; and such inspectors, and applicants, and other persons mentioned in the foregoing provisions regulating elections in townships, are charged with the same duties and subjected to the same penalties and liabilities as are provided in like cases at such elections in townships; and the vote of no person shall be received whose name is not written in such register, or in the copy thereof used by the inspectors of the election. Such copy of the village election register shall be furnished at least ten days before the first village election in the year one thousand eight hundred and sixty, and as often as once in two years thereafter, and oftener if the proper municipal authority shall require it; and the township clerk shall be entitled to receive therefor at the rate of fifty cents for every one hundred names.

Powers and rights of inspectors of village elections.

When copies are to be furnished.

Voting under an assumed name.

(181.) SEC. 23. If any person, falsely personating any qualified elector whose name is registered, shall, at any election, vote or offer to vote in the name of such elector, or if any person shall knowingly encourage or persuade any such person to vote or offer to

vote, or if any person, assuming a false or fictitious name, shall vote or offer to vote by that name, or shall enter or cause to be entered upon the register as his own a false name, the person so offending shall, for every such offense, be punished as above provided in section twelve of this act. Penalty.

(182.) SEC. 24. The recorder's court in the city of Detroit shall have cognizance and jurisdiction of all offenses under this act, committed within the limits of said city, and the offender may in all cases be there proceeded against by information, as provided by the charter of said city or any other statute applicable thereto. In all other cases the circuit or district court for the proper county shall have cognizance of such offenses committed within the county; and in cases where the punishment is by such fine or such imprisonment, one or both, as the justice's court may impose, the proper justice's court shall have cognizance and jurisdiction thereof. What courts to have jurisdiction, etc.

(183.) SEC. 25. Any willful violation of duty by any person charged with the execution of this act or any provision thereof not herein particularly provided for, shall be deemed a misdemeanor, and the person guilty thereof shall be punished accordingly. And it is hereby made the duty of every circuit and district court, in its charge to the grand jury, to call their special attention to the necessity of making diligent and careful inquiry touching offenses arising under this act; and also the duty of every prosecuting attorney, whenever he shall receive credible information that any such offense has been committed, to cause the same to be prosecuted. Violation of duty a misdemeanor. Duties of circuit and district courts and prosecuting attorney.

(184.) SEC. 26. It shall be the duty of every city clerk and township clerk, annually, in the month of November, to forward by mail to the Secretary of State of this State, at the seat of government, the aggregate number of names not marked with the letter "D." or "R." appearing in the register for such city or township, omitting the names. And the Secretary of State is hereby required to keep a record thereof in such manner as to show the number of votes in such city and township, arranged in alphabetical order, in a book to be kept for that purpose. And he shall, within twenty days from the approval of this act by the Governor, cause a printed copy of the same to be forwarded by mail to every such city and township clerk in the State. City and township clerks to report to Secretary of State. Duty of Secretary of State.

(185.) SEC. 27. Each member of a city board of registration, while acting under this act, shall be entitled to receive two dollars a day for every day he shall actually serve in performing his duties, to be paid by the city. And each member of a township board Compensation.

shall receive the same compensation as now provided for inspectors of elections.

Oath.

(186.) SEC. 28. Each member of a board of registration shall, before he enters upon the discharge of his duties under this act, make and subscribe the oath of office contained in the first section of article eight of the Constitution.

Registers, in what form arranged.

SEC. 29. Every register shall be of good paper, well bound, and arranged alphabetically in the following form, as near as practicable:

DATE.	NAME.	RESIDENCE.	REMARKS.
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Re-registration in the city of Detroit.

(187.) SEC. 30. The city board of registration of the city of Detroit shall cause a session of the board of registration of each ward or election district of said city, to be held on the first Monday in October, in the year eighteen hundred and sixty-four, and on the first Monday in October in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each ward or election district in said city; and for such purpose

Board of registration.

the aldermen of each ward, or substitutes to be appointed, as provided by section two of the act to which this act is amendatory, shall constitute the board of registration for such ward, but said city board may appoint other persons than ward officers as such substitutes; and in case said wards, or any of them, shall be divided in the formation of election districts, said city board may appoint the necessary number of five persons to act as a board of registration for any district which may otherwise be without such board. Said board shall cause a like notice of such meeting and registration, and of the time and place of holding the same, to be published and printed in like manner, and for the same period, as is required by said section two of the act aforesaid. The said sev-

Notice of meetings of the board

Time of sessions

eral ward or district boards shall be in session on the first Monday in October aforesaid, and for not less than three nor more than six days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from three o'clock to five o'clock in the afternoon, and shall be provided with the proper blank books for registering the names of voters, of the form heretofore used, and shall have the same powers, and perform the same duties, as are conferred upon or required of boards of registration under the act aforesaid; and the same rules and requirements shall be observed in such re-registration, in all respects, as were required in the original registration under said act to which this is amendatory. When

Powers and duties of board.

such registration shall be completed, the former registry of electors in such wards] or district shall henceforth be deemed invalid, and shall not be used at the ensuing elections; and no person shall vote at any public election in said wards or districts after such re-registration, whose name shall not be registered anew, under the provisions of this section, or be afterwards properly entered on such new register, according to the provisions of the act aforesaid, or of this act.¹

Former registrations invalid.

(188.) SEC. 31. At the session of the board of registration in the several wards or election districts of said city of Detroit, except in a year in which a new registration has been made, they shall review and complete the list of qualified voters, as provided by law; and in order to prevent, so far as possible, the blotting, mutilation, or disfigurement of said registration of electors, it is enacted that no name shall be entered in such registers excepting in the handwriting of one of the board of registration, and then only by direction of the proper board during its session; and no member of said board shall write or make any entry in said register, excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein excepting inspectors of election, as provided by this act: *Provided*, That any elector desiring to enter his name in his own handwriting may do so, if the board shall have decided that such elector is entitled to be registered; but when any person shall have ceased to be an elector of any ward or election district, the board of registration for such ward or district, at its session, may note the fact in red ink across the name of such elector in addition to the marks provided to be set opposite his name by this act. No name shall be entered in said registers excepting upon the personal application of an elector desiring his name to be registered, and upon due examination made, as required by this act, unless the person whose name is registered is personally known to the board of registration, or at least one member of said board, to be a qualified elector of the ward or district in the register of which such name is registered. The board of registration in each ward and district shall require each applicant for registration to state whether he has previously been registered in or resided in any other ward or district. Each board shall make a separate list of the new registrations made at their then session, particularly specifying in such lists those who have previously resided or been registered in any other ward or district, noting the previous place of residence of

Review of registration.

Names to be entered by one of the board.

Proviso.

When persons cease to be electors, note thereof to be made.

How names may be registered.

Applicants to state whether or no they have been previously registered, etc.

List of new registrations.

¹ As added by Act 82 of the Laws of 1864, p. 69, approved February 5, 1864.

such person, and shall deliver such separate list to the city board of registration at its session hereafter provided to be held.¹

Board of registration.

(189.) SEC. 32. The city board of registration, which shall be composed of the members of the board of registration assigned to the several wards and election districts of said city of Detroit, shall assemble at the common council chamber, in the said city of Detroit, on the Monday preceding any election to be held in said city, excepting special elections held for election of ward officers, at nine o'clock in the forenoon. On the organization of said city board by the appointment of a chairman and clerk, said city board shall proceed to examine the register of electors of the several wards and districts of said city. Said board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district, excepting as provided in this section. Whenever said board shall find that any person is registered in two or more wards or districts of said city, the board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote.²

Correction of errors on register of electors.

Registration after last meeting of board.

(190.) SEC. 33. When any person shall apply to the inspectors of an election, excepting special elections for ward officers, in said city of Detroit, who has not been registered, to be registered by said inspectors, alleging that he was absent during the then last session of the board of registration of the ward or district, said inspectors shall require such applicant to state, on oath, in addition to the statements required by section fourteen of the act to which this is amendatory, that he was sick or absent from the city of Detroit during its session.³

Review prior to special elections.

(191.) SEC. 34. Whenever the common council shall order a special election to be held in any of the wards of said city for election of ward officers, said council, by resolution, shall direct the board of registration that last held its session in such ward to review and complete the list of qualified electors of such ward, on a day and at a place to be named in such resolution. Notice of the time and place of the session of said board shall be published in at least one of the daily newspapers published in said city for at least four successive days prior to such session. It shall not be necessary to insert in such

Notice thereof.

¹ Vide note to section 30.

² As amended by Act 112 of the Laws of 1871, p. 189, approved and took effect April 18, 1871.

notice the names of registered electors, or post handbills containing the same, as in case of general or charter elections. The provisions of this act, or so much thereof as may be applicable, shall govern and regulate the action of said board, each member thereof, and all other persons, in reviewing and completing the register of electors at such session, and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session, as if the same were here again enacted. In case there may be any vacancy in the then board for such ward or district, said council may fill the same.¹

Provisions of this act to govern the board.

Vacancies.

(192.) SEC. 35. Any willful violation of duty by any person charged with the execution of this act, or of any provision thereof not herein particularly provided for, shall be deemed a misdemeanor, and the person guilty thereof shall be punished accordingly.¹

Violation of this act a misdemeanor.

(193.) SEC. 36. The boards of registration in each township, village, or city, respectively, in the county of Wayne, outside of the city of Detroit, shall cause a session of the said respective boards to be held on the first Monday in October, in the year eighteen hundred and seventy-two, and on the first Monday in October in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each town, village, city, ward, or election district therein. The said several respective boards shall be in session on the first Monday in October, aforesaid, and for not less than three nor more than six days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, and from two o'clock to five o'clock in the afternoon, and shall be provided with the proper blank books for registering the names of voters, of the form heretofore used, and shall have the same powers, and perform the same duties as are conferred upon or required of boards of registration under the act aforesaid and the acts amendatory thereto, and the same rules and requirements shall be observed in such re-registration, in all respects, as were required in the original registration under said act. When such registration shall be completed, the former registry of electors in such townships, cities, villages, or election districts shall henceforth be deemed invalid, and shall not be used at the ensuing elections, and no person shall vote at any public election in said towns, cities, or villages, after such re-registration, whose name shall not be registered anew under the provisions of this section, or be afterwards properly entered on such new registry according to the provisions of said act. The provisions concerning a re-registration in the city of Detroit shall

Time for meeting of board in Wayne Co., outside Detroit, and duration of session.

When former registry shall be deemed invalid.

¹ Vide note to section 30 of this act.

apply to the aforesaid cities as far as the same may be adapted thereto.¹

An Act to amend an act entitled an act further to preserve the purity of elections, and guard against the abuses of the elective franchise, by a registration of electors.

[Approved March 16, 1861. *Laws of 1861, p. 549.*]

Session of board
of registration in
Detroit.

(194.) SECTION 1. *The People of the State of Michigan enact,* That on the second Thursday, Friday, and Saturday next preceding the general election, and on the second Thursday and Friday next preceding the day of the regular charter election of the city of Detroit, and not afterwards, the board of registration shall be in session at such places in the several wards and districts as they shall designate in their notices as prescribed by law, from nine o'clock in the forenoon until five o'clock in the afternoon, for the purpose of completing the list of qualified voters, in pursuance of said act, approved February fourteenth, eighteen hundred and fifty-nine; and any member of said board may administer an oath or affirmation to the applicant that he shall true answers make to all questions put to him touching his qualifications as an elector.

Repeal.

(195.) SEC. 2. So much of sections one and five of the act aforesaid, approved February fourteenth, eighteen hundred and fifty-nine, as may be inconsistent with this act, and all other acts and parts of acts contravening the provisions of this act, are hereby repealed: *Provided*, That this act shall apply and have force only in the city of Detroit, in the county of Wayne.

Proviso.

An Act directing the Secretary of State to provide the electors of this State with uniform ballots on constitutional amendments.

[Approved April 17, 1871. *Laws of 1871, p. 315.*]

Secretary of
State to supply
ballots.

(196.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the Secretary of State to cause to be printed a sufficient number of ballots to supply the electors of every township, ward, and voting precinct in this State with ballots on all amendments to the Constitution which may hereafter be submitted to the people at any general election. And he shall, at least thirty days before any such general election at which constitutional amendments are to be voted upon, transmit said ballots in proportionate lots to the county clerk of each county, whose duty it shall be to transmit the same forthwith in proportionate lots to the various inspectors of election, for distribution at the polls.

Time of sending.

County clerk to
distribute.

¹ As added by Act 112, of the *Laws of 1871*, p. 180, approved and took effect April 12, 1871.

An Act to provide for the registration of electors in new townships.

[Approved January 27, 1869. Laws of 1869, p. 5.]

(197.) SECTION 1. *The People of the State of Michigan enact,* Inspectors of election to constitute a board of registration.
That the persons named in the act erecting any new township, as inspectors of election, whether passed by the Legislature of this State or the board of supervisors of the proper county, shall constitute a board of registration for such new township, until such officers are elected and qualified as provided by law.

(198.) SEC. 2. Such inspectors shall meet in the capacity of such Meeting of board.
board of registration, on the Saturday next preceding the first township meeting in such new township, at the place mentioned in the act providing for the organization thereof, for holding such first township meeting, and shall be governed, in all respects, by Act of 1859 to govern action
the provisions of act number 177, of session laws of 1859, which pertain to registration of electors in townships, as far as the same are applicable, except as is hereinafter provided.

(199.) SEC. 3. The name of any person may be registered at such Who may register.
first township meeting, who shall make due proof, by his own oath, before the board of inspectors of such meeting, that he is possessed of the qualifications of an elector in such new township, under existing laws, other than that requiring registration.

(200.) SEC. 4. The members of such board of registration hereby Election of chairman and clerk.
created, shall elect one of their number chairman, and another clerk of said board, who shall respectively possess the same powers Powers and duties of.
and perform the same duties which belong to and devolve upon the supervisor and township clerk, while acting on a board of registration in an organized township, as now provided by law.

(201.) SEC. 5. In case one or more of the persons appointed as Vacancies on board; how filled.
such inspectors of election hereinbefore mentioned shall, from any cause, fail to appear at the place specified for the holding of such first township meeting, to form a board of registration, as herein provided, such vacancy or vacancies on said board shall be filled from among the electors, by a majority vote of the electors present at the hour appointed for opening the session of said board.

(202.) SEC. 6. It shall be the duty of such board of inspectors, or Notice of meeting; how given.
the surviving member or members thereof, in case of the decease or removal of one or more of the same, to give public notice of such meeting, for the purpose aforesaid, by causing a written or printed notice, which shall state the object of such meeting, the time when and the place where the same is to be held, to be posted in five of the most public places in such new township, at least fifteen days previous to the time of holding said meeting.

SEC. 7. This act shall take immediate effect.

TITLE IV.

CERTAIN STATE OFFICERS; COUNTIES AND COUNTY OFFICERS; RESIGNATIONS, VACANCIES, AND REMOVALS FROM OFFICE.

CHAPTER VII. Certain State Officers and their Duties.

CHAPTER VIII. Commissioners of Deeds in other States.

CHAPTER IX. Counties.

CHAPTER X. County Officers and their Duties.

CHAPTER XI. Resignations, Vacancies, and Removals, and Supplying Vacancies.

CHAPTER VII.

CERTAIN STATE OFFICERS AND THEIR DUTIES.

From chapter twelve of Revised Statutes of 1846.

THE GOVERNOR.

Governor's
salary.

(203.) SECTION 1. The Governor shall receive an annual salary of one thousand five hundred¹ dollars, to be paid quarter-yearly, and shall not be entitled to any fees or perquisites of office in addition to his salary.

When Govern-
or's salary to be
received by
Lieut. Governor.

(204.) SEC. 2. Whenever, by the impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor, the salary of the Governor shall cease, and the same shall be received by the Lieutenant Governor, as a full

¹ The salary of the Governor is reduced to one thousand dollars by Art. 9 of Constitution of 1850.

compensation for his services until such disability shall cease or the vacancy be filled. Const., Art. 5, Sec. 17.

(205.) SEC. 3. The Governor may, at the commencement of each session of the Legislature, appoint a private secretary, who shall hold his office during the session, unless sooner removed by the Governor, and shall receive for such services the sum of three dollars per day for the time employed, unless the Legislature shall otherwise direct; such sum to be paid on the joint order of the President of the Senate and Speaker of the House of Representatives, by the State Treasurer.¹ Private Secretary of the Governor.

An Act to promote immigration to Michigan.

[Approved April 3, 1869. Laws of 1869, p. 188.]

(206.) SECTION 1. *The People of the State of Michigan enact,* That the Governor be and he is hereby authorized and empowered to appoint a citizen of the State, at a salary not to exceed twenty-five hundred dollars per annum, to act as a commissioner of emigration, and to reside in Germany, for the purpose of encouraging immigration to Michigan from the German States and other countries of Europe, and to act under such advice and direction as the Governor may from time to time deem proper to give, to carry out the object of this act. Governor to appoint commissioner of emigration. Salary.

(207.) SEC. 2. The Governor is authorized to draw upon the general fund for such an amount, not exceeding five thousand dollars in any one year, as he may consider necessary to defray the expenses of said commissioner in traveling, and in printing in the German and other languages, circulars, handbills, and pamphlets, and to appoint a local agent in this country to act in concert with said commissioner, at an annual salary not to exceed fifteen hundred dollars, if, in his opinion, the interests of the State will be promoted thereby. Expenses; how paid. Appointment and salary of local agent.

SEC. 3. This act shall take immediate effect.

THE SECRETARY OF STATE.

(208.) SEC. 4. The Secretary of State shall have the custody of the great seal of the State, and copies of all records and papers in his office, certified by him and authenticated by the great seal of the State, shall be evidence in all cases equally, and with the like effect, as the originals. Secretary of State to have custody of great seal, etc.

¹ As amended by Act 18 of 1848, p. 14.

Deputy Secretary, his powers, duties, and compensation.

(209.) SEC. 5. The Secretary of State may appoint a deputy, with the approbation of the Governor, and revoke such appointment at pleasure; and whenever the Secretary of State shall, by reason of sickness, absence, or other cause, be disabled from executing the duties of his office, his deputy, duly appointed, shall execute the duties thereof until such disability be removed or until a Secretary shall be appointed, and such deputy shall receive an annual salary of five hundred dollars, payable quarter-yearly.¹

Salary of Secretary.

(210.) SEC. 6. The Secretary shall receive an annual salary of eight hundred dollars, payable quarter-yearly; and also such fees and perquisites of office as shall be allowed him by law; and he shall keep his office at the capital.²

An Act for the better security of the Titles of Lands belonging to the State.

[Approved February 2, 1843. Laws of 1843, p. 12.]

Deeds to the State to be recorded in counties where lands lie, and in office of Secretary of State.

(211.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all deeds of conveyance to the State of any lands situated in this State or elsewhere, shall be recorded in the counties where the lands lie, and shall be duly registered and kept in the office of the Secretary of State of this State.

Confirmations of locations to be recorded by Secretary of State.

(212.) SEC. 2. All confirmations of University locations, of school lands for filling up fractional sections, of State lands of every description that may require confirmations, and sections for salt springs, and the use of salt springs, shall be also kept and recorded in the office of the Secretary of State.

Acts granting lands to State to be recorded.

(213.) SEC. 3. All acts and parts of acts by which any grants of lands have been or hereafter may be made to this State, shall be collected and recorded in the record book aforesaid.

Other evidences of titles in the State to be recorded.

(214.) SEC. 4. All other evidences of title by which this State holds any lands, shall be in like manner recorded in the office of the Secretary of State, so that his office shall contain the whole collection of all the land titles of the State of Michigan.

Secretary of State to cause plats to be made.

(215.) SEC. 5. When the titles aforesaid are fully collected and arranged, the Secretary of the State shall cause the same to be platted in such a manner as to show them accurately and distinctly on such plats.

New locations of State lands to be recorded and platted.

(216.) SEC. 6. All new locations of State lands for any purpose, shall be immediately entered of record, and platted as aforesaid.

¹ See section 420.

² See Art. 9 of the Constitution.

An Act to provide for recording the evidences of the approval by the General Government of the selections of lands made by this State under act of Congress, and for other purposes.

[Approved February 11, 1848. Laws of 1848, p. 50.]

(217.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the certificates of the Secretary of the Treasury of the United States of his approval, or the certificates and letters of the Commissioner of the General Land Office of the United States, of the approval by the Secretary of the Treasury, of the selection of any lands heretofore granted or which hereafter may be granted by the Congress of the United States to this State, and which certificates and letters have been or hereafter may be received by the Secretary of the State, shall, together with their accompanying lists or descriptions of land, be recorded by him in a book kept for that purpose.

Approval of selections of lands for the State to be recorded by Secretary of State.

(218.) SEC. 2. Such record, or a transcript thereof, certified by the Secretary of State, under his seal of office, shall be received in any court of this State, as evidence of title in the State to any of the lands therein mentioned.

Record made, to be evidence.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to provide for publishing the time when the sessions of the Legislature heretofore have ended, and hereafter shall end.

[Approved March 17, 1863. Laws of 1863, p. 176.]

(219.) SECTION 1. *The People of the State of Michigan enact,* That it shall be and hereby is made the duty of the Secretary of State to make his certificate, stating the exact date of the end of each and every session of each and every Legislature of this State, held since the year one thousand eight hundred and fifty, which certificate shall be printed and published with the laws of the present session of the Legislature.

Secretary to certify the date of the end of former sessions.

(220.) SEC. 2. It shall be and hereby is made the duty of the Secretary of State to make his certificate of the date of the end of the session of the Legislature now in session, and of each and every session of the present or any succeeding Legislature hereafter to be held, which certificate shall be printed and published with the laws of the session of the Legislature to which it refers, which certificates, and each of them so published, as aforesaid, shall be received as *prima facie* evidence of the facts therein stated, in all the courts of this State.

Of the present and future sessions.

SEC. 3. This act shall take immediate effect.

From chapter twelve of Revised Statutes of 1846.

THE STATE TREASURER.

Bond. (221.) SEC. 7. The State Treasurer, before entering upon the duties of his office, shall give bond to the people of this State, in the sum of one hundred and fifty thousand dollars, with three or more sureties, to be approved by the Auditor General and the Attorney General, which bond shall be filed in the office of the Secretary of State. The Auditor General, with the concurrence of the Attorney General, whenever he deems the sureties on the bond of the State Treasurer to be insufficient security for the said sum of one hundred and fifty thousand dollars may demand, and the State Treasurer shall give additional bonds with sureties, to be approved by the Auditor General and the Attorney General.¹

Additional bond. (222.) SEC. 8. The condition of such bond shall be in substance that the Treasurer and all persons employed in his office shall faithfully discharge their respective duties and trusts, and that the said Treasurer shall use all necessary and reasonable diligence and care in the safe keeping and lawful disposal of all sums of money, books, bonds, notes, papers, and all other things appertaining to said office, and which have or shall come to his hands, or to the hands of any person or persons employed by him; and that the said Treasurer shall, upon reasonable notice, render a true account in the premises whenever he shall be thereunto required by any provision of law in that behalf, or by the Senate or House of Representatives, and shall deliver over to his successor in said office, or to any other person authorized by law to receive the same, all moneys, books, bonds, notes, papers, and all other things belonging to said office; and that all balances which shall appear against him shall be forthwith paid into the Treasury of the State.

Condition of bond. (223.) SEC. 9. The Treasurer may appoint a deputy, for whose acts he shall be responsible, and may revoke such appointment at pleasure; and such deputy may execute the duties of the office during the sickness or necessary absence of the Treasurer, and shall receive an annual salary at the rate of seven hundred dollars, payable quarter-yearly.²

Deputy Treasurer, his powers, duties, and compensation. (224.) SEC. 10. Upon the death or resignation of the Treasurer, or upon a vacancy in that office from any other cause, the Secretary of State, with two suitable persons to be appointed by warrant under the hand and seal of the Governor, shall repair to the place or places where the moneys, papers, and other things belonging to

1840, p. 283,
Sec. 4.
1844, p. 77, Sec. 1

Proceedings on
death, etc., of
Treasurer.

¹ As amended by Act 36 of 1861. Laws of 1861, p. 80.

² See section 420.

the Treasury are usually kept, and having previously given notice to the late Treasurer, his heirs, executors, or administrators, and to his sureties, or one of them, or to such of the said persons as may be found in the State, to attend them, shall seal up and secure, in their presence, if they shall attend, all such moneys, papers, and other things supposed to belong to the State.

(225.) SEC. 11. They shall then give such representatives or ^{IBM.} sureties, if required by them, a true list of all boxes and packages so sealed up and secured, and shall note on such list the places wherein the same are deposited; whereupon, as soon as it can be conveniently done, and after notice to the parties mentioned in the preceding section, they shall cause the said boxes and packages to be examined, and a true inventory to be taken of the said moneys, and of all bonds, notes, securities, books, and other things appertaining to said office, which shall be required by such late Treasurer, or his representatives, or sureties, or either of them.

(226.) SEC. 12. A copy of such inventory shall be deposited by ^{IBM.} them in the Secretary's office, and any copies that may be required shall be given to any of the parties mentioned in the preceding section; and they shall safely keep all moneys and other effects mentioned as aforesaid, until another Treasurer shall be appointed, to whom, when qualified, they shall deliver over the same, taking duplicate receipts therefor, one of which receipts shall be deposited with the Secretary, and the other shall be delivered to the said late Treasurer, or his legal representatives or sureties, or one of them.

(227.) SEC. 13. The Treasurer shall, on the first Tuesday of each month, and at such other times as the Auditor General may require, exhibit to the said Auditor General and Commissioner of the State Land Office, for their examination, the moneys in the Treasury, and a true account of his receipts, and of moneys paid out by him as Treasurer. ^{Monthly exhibits.} ¹

(228.) SEC. 14. The Treasurer shall make to the Legislature, at its annual session in January in each year, and at such other times as he shall be required by either branch of the Legislature, an exact statement of the balance in the Treasury to the credit of the State, with a summary of the receipts and payments of the Treasury during the preceding year; which annual statement he shall cause to be published with the laws of the session at which the same shall have been made. ^{Statement to be made to Legislature and published with laws.} ²

¹ As amended by Act 36 of the Laws of 1861, p. 80, approved February 11, 1861.

² See the following act.

Where to keep
office.
His salary.

(229.) SEC. 15. He shall keep his office at the seat of government, and shall receive an annual salary of one thousand dollars, payable quarter-yearly, in full compensation for all his services.

SEC. 16.¹

An Act to establish the fiscal year for the Treasury of this State, to fix the time of the annual reports of the State officers, and to provide for the printing and distribution thereof.

[Approved April 15, 1871. Laws of 1871, p. 197.]

Fiscal year.

(230.) SECTION 1. *The People of the State of Michigan enact,* That the fiscal year for the Treasury of this State shall commence on the first day of October in each year, and close on the thirtieth day of September in the succeeding year.

Annual reports.

(231.) SEC. 2. It shall be the duty of the several officers and boards of officers of this State, and also of the several public institutions thereof, from whom annual reports are now or may hereafter be required, to make their respective annual reports to the Governor, and for the period covered by the fiscal year for the Treasury, as established by section one of this act, and to cause their respective reports to be placed in the hands of the printer of the laws of this State for publication, as soon as practicable after the close of the fiscal year.

Publication of
reports.

(232.) SEC. 3. It shall be the duty of each of said officers to examine and correct the proof-sheets and superintend the publication of his report, and each of said boards shall appoint one of its members, or some other suitable person, who shall superintend the publication of its report.

Number of
copies and dis-
tribution.

(233.) SEC. 4. Of each of the reports of the said officers there shall be printed four thousand copies, of which number four hundred copies shall be for the use of the Senate, eleven hundred copies shall be for the use of the House of Representatives, five hundred copies for the use of the officers making such reports, and the remaining copies shall be preserved for binding with the other joint documents of the fiscal year for which such reports were made: *Provided,* That of such reports for the twelve months ending September thirtieth, next preceding the year in which there is to be no regular session of the Legislature, only the number of each of the reports provided above for the use of the officers making such reports, and for binding with the joint documents, shall be printed.

Proviso.

¹ Repealed by implication, by the following act.

(234.) SEC. 5. An act entitled "An act to require all State boards Acts repealed. to make annual reports," approved February nineteenth, eighteen hundred and sixty-nine, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 6. This act shall take immediate effect.

An Act in relation to stocks pledged by banks, and for other purposes.

[Approved February 18, 1850. *Laws of 1850, p. 29.*]

(235.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer State Treasurer may change stock pledged by banks. be, and he is hereby authorized to change, at discretion, the stock pledged by the banks as security for circulating notes, and receive others allowed by their acts of incorporation in exchange.

(236.) SEC. 2. That all stocks hereafter pledged by the banks How stocks hereafter pledged to be received. shall be received by the State Treasurer, at an estimate as provided by their acts of incorporation, but at a rate not above their par value; and for all stocks heretofore pledged by the banks, which have been received at an estimate above their par value, it shall be the duty of the State Treasurer to notify the banks to return, forthwith, notes to the amount of such excess, or to deposit stocks allowed by the acts of incorporation to make up the deficiency, or he may retain the interest due on the stocks to the amount of said excess.

(237.) SEC. 3. That section six of an act to incorporate the president, directors, and company of the Peninsular Bank, Peninsular Bank act amended. approved March 28, 1849, be and the same is hereby amended by striking out the word "next," in the last line of said section as printed, and by inserting in the place thereof the words "one 1849, p. 189. thousand eight hundred and fifty-one:" *Provided,* That the said Peninsular Bank shall, within sixty days after the passage of this act, deliver to the State Treasurer, or his authorized agent or agents, the bank-note plates of said bank, also all notes printed and not countersigned by said Treasurer.

(238.) SEC. 4. The said Treasurer is hereby required to safely Plates and notes to be kept by Treasurer. keep the said plates and notes, and from time to time to deliver to said bank such an amount of circulating notes, duly countersigned and registered by him, as said bank shall be entitled to under their charter.

SEC. 5. This act shall take effect and be in force from and after its passage.

An Act to provide for the withdrawal of stocks from the hands of the State Treasurer, in certain cases.

[Approved February 9, 1855. Took effect May 16, 1855. Laws of 1855, p. 31.]

Exchange and transfer of stocks pledged by banks.

Stocks may be given up on cancellation of bills, etc.

But sufficient shall always be retained to secure notes in circulation.

(239.) SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer, upon the application of any bank of this State whose bills or circulating notes are secured by a deposit of stocks, may, in his discretion, change or transfer such stocks for other stocks of the kind specified in their acts of incorporation respectively, or he may re-transfer the same to said bank, upon receiving and canceling an equal amount of such bills or circulating notes, in such manner that the bills or circulating notes of such bank, not so received or canceled by him, shall always be and remain secured in full by stocks deposited, as in the respective charters of said banks is provided.

An Act relating to deposit accounts, and to interest, exchange, and commissions, received or paid by the State Treasurer.

[Approved March 8, 1861. Laws of 1861, p. 150.]

State Treasurer to keep an account of deposits

Interest due, account of, how kept.

Treasurer to furnish vouchers

(240.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the State Treasurer to keep the accounts of the Treasurer with all banks or depositories, where any moneys of the State may be kept or deposited, upon the regular books of his office, so that each item of all such accounts shall appear therein.

(241.) SEC. 2. All items of interest, which may become due the State from banks or otherwise, shall be entered on the books of the Treasurer when received, in such manner that it shall appear upon what account and for what time such interest accrued.

(242.) SEC. 3. It shall be the duty of the Treasurer to furnish vouchers for any items paid by him, from parties to whom the same were paid, whether for interest, exchange, commissions, or otherwise, before the Auditor General shall issue a warrant therefor.

From chapter twelve of Revised Statutes of 1846.

THE AUDITOR GENERAL.

Auditor General to state accounts etc.

(243.) SEC. 17. The Auditor General shall state all accounts, and examine and liquidate the claims of all persons against the State, in cases provided for by law, and give his warrant therefor; and in cases of claims against the State which cannot be liquidated by him, or by the Board of State Auditors, without further Legis-

lative provision, he shall examine and report the same, with the facts relating thereto, to the Legislature, with his opinion thereon.

(244.) SEC. 18. He shall also examine, adjust, and settle the claims of all persons indebted to the State; and when there shall be any account liquidated, showing any amount to be due to any person, for the payment whereof an appropriation shall have been made by law, he shall draw his warrant on the Treasury therefor.

To settle claims and draw warrants on Treasurer.

(245.) SEC. 19. No moneys shall be paid out of the State Treasury, except on the warrant of the Auditor General; and all receipts for money paid to the Treasurer shall be taken to the Auditor General, who shall countersign the same, and enter them in the proper book in his office for that purpose, to the credit of the person by whom such payment shall be made; and no such receipt, unless countersigned, shall be evidence of such payment.

Moneys not to be paid out of Treasury except on Auditor's warrant.

Receipts to be countersigned, etc.

(246.) SEC. 20. The Auditor General shall keep an account, in proper books to be provided by him for that purpose, between the State and the Treasurer, charging therein to the Treasurer the balance in the Treasury, and all moneys received by him, and giving him credit therein on the first Tuesday in every month, for all warrants paid by him, which warrants shall thereupon be canceled by the Auditor General; and he shall also keep an account of all outstanding warrants not paid by the Treasurer.

Accounts between Treasurer and State.

(247.) SEC. 21. They shall, on the first Tuesday in each month, and at any other time when they may deem it necessary, examine the Treasurer's account of moneys received, and of moneys paid out by him, and the moneys in the Treasury; and if, on examining such account and such moneys, they shall discover any irregularity or deficiency therein, they shall, as soon thereafter as may be, report in writing the nature and extent of such irregularity or deficiency to the Governor, so that the same may be submitted to the Legislature, if, in the opinion of the Governor, the interests of the State shall require it.¹

Deficiencies, how reported.

(248.) SEC. 22. The Auditor General shall make to the Legislature,² at its session in January in each year, and at such other times as he shall be required by either branch of the Legislature, a complete statement of the funds of the State, and of the revenue thereof, and of the amount of salaries of the officers of the Government, and of other contingent expenses, and other appropriations for the year preceding, and recommend such improvements in the financial system of the State as he may deem expedient.

Statement of the funds and revenue of the State, etc.

1833, p. 292.

¹ As amended by Act 86 of 1861. Laws of 1861, p. 80.

² See section 231.

To transmit
collection laws.

(249.) SEC. 23. He shall, from time to time, transmit copies of all laws that may be made relative to the collection of the State revenue, as soon as the same shall be published in the newspapers in which they are authorized to be printed, to the officers concerned in carrying the same into effect.

Instructions to
certain officers.

(250.) SEC. 24. He shall also draw up instructions for the government of the officers concerned in the collection of the revenue, in the premises; which instructions, certified by the Attorney General to be in accordance with law, shall be binding upon such officers; and the publishers of the laws of this State shall publish such instructions, and furnish the Auditor General with so many copies thereof as he may deem necessary.

Where to keep
his office.
His salary.

(251.) SEC. 25. The Auditor General shall keep his office at the seat of government; and shall receive an annual salary of one thousand dollars, payable quarter-yearly, in full for all his services.

Deputy Auditor
General, his
powers and
compensation.

(252.) SEC. 26. The Auditor General may appoint a deputy, for whose acts he shall be responsible, and may revoke such appointment at pleasure; and such deputy may execute the duties of the office during the sickness or necessary absence of the Auditor General, and shall receive an annual salary at the rate of seven hundred dollars, payable quarter-yearly.¹

1840, p. 233. Sec.
4.

Clerks of Audi-
tor General.

(253.) SEC. 27. The Auditor General may also employ so many regular clerks as may be necessary, not exceeding two, at an annual salary of six hundred dollars, payable quarter-yearly, and so many extra clerks as may from time to time be necessary, at a salary not exceeding four hundred and seventy-five dollars a year, payable monthly or otherwise, as the Auditor General may think proper.²

An Act to establish the rate of fees to be charged by the Auditor General for furnishing transcripts, lists, abstracts, and certificates.

[Approved April 3, 1869. Laws of 1869, p. 237.]

Fees for trans-
cripts, etc., es-
tablished.

(254.) SECTION 1. *The People of the State of Michigan enact,* That the Auditor General shall make or cause to be made, on proper application and for the benefit of the parties interested, transcripts of any papers or records on file in his office, upon payment by the applicant of the following fees:

For abstract of taxes on any description of land, three cents for each year covered by such abstract;

¹ See section 420.

² As amended by "An act to amend chapter twelve of Revised Statutes of eighteen hundred and forty-six," approved April 7, 1851. Laws of 1851, p. 171.

For abstract, with statement of name and residence of tax-payer, twelve cents per year for each description of land ;

For list of State tax lands, or State bids, two cents for each description of land therein ;

For one copy of any paper or document, at the rate of ten cents per one hundred words ;

For each certificate, twenty-five cents: *Provided*, That in no Provide. case shall any abstract, list, or copy, made as required by this act, be furnished for a less sum than twenty-five cents; and such fees, Where paid. when collected, shall be paid into the State Treasury, and placed to the credit of the general fund.

SEC. 2. This act shall take immediate effect.

THE ATTORNEY GENERAL.

(255.) SEC. 28. The Attorney General shall prosecute and defend all actions in the Supreme Court, in which the State shall be interested or a party; and shall also, when requested by the Governor or either branch of the Legislature, appear for the people of this State in any other court or tribunal, in any cause or matter, civil or criminal, in which the people of this State may be a party or interested. Duties of Attorney General.

(256.) SEC. 29. It shall be the duty of the Attorney General, at his the request of the Governor, the Secretary of State, the Treasurer, or the Auditor General, to prosecute and defend all suits relating to matters connected with their departments.

(257.) SEC. 30. The Attorney General shall consult with and advise the prosecuting attorneys, when requested by them, in all matters pertaining to the duties of their offices; and he shall make and submit to the Legislature, ¹ at the commencement of its annual session, a report of all official business done by him during the year preceding, specifying the suits to which he has attended, the number of persons prosecuted, the crimes for which, and the counties where, such prosecutions were had, the results thereof, and the punishments awarded. To advise prosecuting attorneys, and make report to Legislature.

(258.) SEC. 31. The Attorney General shall include in his annual report, an abstract of the annual reports of the several prosecuting attorneys. Abstract of reports of prosecuting attorneys.

(259.) SEC. 32. It shall be the duty of the Attorney General, when required, to give his opinion upon all questions of law submitted to him by the Legislature, or by either branch thereof, or To give opinion when required by Governor, etc.

¹ See section 231.

To notify neglect
of prosecuting
attorneys.

1841, p. 15, Sec. 2

by the Governor, Auditor General, Treasurer, or any other State officer; and also to notify the county treasurer of the proper county, of the neglect or refusal of any prosecuting attorney to make the annual report to the Attorney General required of him by law.

To pay over
moneys.

(260.) SEC. 33. All moneys received by the Attorney General, for debts due or penalties forfeited to the people of this State, shall be paid by him, immediately after the receipt thereof, into the Treasury.

To keep register
of demands, etc.,
and deliver the
same to succe-
sor.

(261.) SEC. 34. The Attorney General shall keep, in proper books to be provided for that purpose at the expense of the State, a register of all actions or demands prosecuted or defended by him in behalf of the people of this State, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

Compensation.

(262.) SEC. 35. The Attorney General shall receive an annual salary of seven hundred dollars, payable quarter-yearly, and his actual necessary expenses.¹

From chapter twelve of Revised Statutes of 1846.

THE ADJUTANT GENERAL.

Adjutant Gen-
eral; how ap-
pointed; his
rank and term
of office.

1844, p. 100, Sec.
7.

(263.) SEC. 52. An Adjutant General for this State shall be appointed by the Governor, by and with the advice and consent of both branches of the Legislature in joint convention, who shall be of the rank of Brigadier General, and shall hold his office for two years and until his successor shall be appointed and qualified.

Oath of office
and compensa-
tion.

1844, p. 100, Sec.
7.

(264.) SEC. 53. The Adjutant General shall, before entering upon the duties of his office, and within twenty days after notice of his appointment, take the constitutional oath of office, and file the same with the Secretary of State, and shall receive, as a full compensation for all his services, the sum of three hundred dollars annually, payable quarter-yearly.²

To make return
of militia to
Governor
annually.

(265.) SEC. 54. He shall, in each year, prepare a return of the militia of this State, exhibiting their full numerical strength, together with all the arms and military stores belonging to the State, designating the several kinds, condition, and place of deposit, which return he shall deliver to the Governor on or before the first day of December.

¹ As amended by Act 106 of 1847, p. 163. The salary is increased to eight hundred dollars by Art. 9 of the Constitution. See section 420.

² See section 924.

(266.) SEC. 55. The Adjutant General shall perform all such other duties. other duties relating to the militia, arms, and military stores of this State, as are required of him by law.

From chapter twelve of Revised Statutes of 1846.

STATE LIBRARY AND LIBRARIAN.

SEC. 49.¹

(267.) SEC. 50. The State Library shall be kept in the room in the Capitol which it now occupies, until some other provision shall be made in reference thereto, and the members of both Houses of the Legislature, and the Executive and Judicial officers of the State, shall at all times have free access thereto, under such regulations as shall have been made by the Secretary of State.

SEC. 51.²

An Act to provide for the better management and care of the State Library.

[Approved April 2, 1850. Laws of 1850, p. 363.]

(268.) SECTION 1. *The People of the State of Michigan enact,* That a State Librarian shall be appointed by the Governor, by and with the consent of the Senate, who shall hold the office for the term of two years, whose salary shall be fixed at the sum of eight hundred dollars per year, payable monthly, out of the State Treasury, upon warrant of the Auditor General, and whose duty it shall be to have the sole care and charge of the Library, and the affairs pertaining thereto, and who shall make a biennial report to the Legislature at the commencement of each regular session thereof, as to its condition, and the number and description of the volumes contained therein.³

(269.) SEC. 2. That the State Librarian shall within twenty days after the passage of this act, and also on the first Monday of January in each and every year thereafter, preceding the regular or biennial session, make out and deliver to the Auditor General a full catalogue of all the books at such time belonging to the State Library, in his possession, which catalogue shall be published biennially for the use of the Legislature.³

¹ This section, as well as section 51, related to the duties of the Secretary of State as Librarian, and is superseded.

² See last note.

³ As amended by Act 40 of 1871. Laws of 1871, p. 39.

Bond of Librarian.

(270.) SEC. 3. The Librarian shall, before entering upon the duties of his office, file with the Auditor General his receipt for all property entrusted to him, and give a good and sufficient bond, approved by the Secretary of State, conditioned for the safe keeping of such property; and such bond and receipt shall not be canceled until the receipt of his successor for the property delivered over to him shall be obtained, and payment for all deficiencies made.

Books to be returned by members of Legislature, etc., before they receive their pay.

(271.) SEC. 4. Before any member of the Senate or of the House of Representatives, or of the Convention to revise the Constitution, shall receive their pay in full, it shall be necessary for such member to obtain and exhibit a certificate from the Librarian, stating that such member has returned all books he may have drawn, if any, from the State Library.

Prosecution for detention of books.

(272.) SEC. 5. If, at the expiration of sixty days after the passage of this act, any person shall unlawfully or improperly have in his possession any book or books belonging to the State Library, such person shall be liable to prosecution therefor, both by civil and criminal proceedings; and it shall be the duty of the Attorney General to ascertain, so far as practicable, the names of those who may become liable under this section, and forthwith to prosecute the same.

Act to be published.

(273.) SEC. 6. The Secretary of State shall cause this act to be published for six weeks next succeeding its passage, in each of the newspapers published in the city of Detroit.

Repeal of inconsistent laws.

(274.) SEC. 7. All provisions of law inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

An Act authorizing the State Librarian to sell or dispose of certain books or public documents.

[Approved March 16, 1865. Laws of 1865, p. 339.]

Sale of books authorized.

(275.) SECTION 1. *The People of the State of Michigan enact,* That the State Librarian is hereby authorized to dispose of, by sale, under direction of and at prices established by the Board of State Auditors, any surplus books or public documents now on hand, or which may hereafter be printed by direction of the Legislature, or at the expense of the State, and placed under the care or control of said Librarian.

(276.) SEC. 2. All moneys received by said State Librarian on account of the sale of any such books or public documents, shall be paid into the State Treasury quarterly, and the amount thereof, with the number and kind of books or documents thus sold, shall be embraced in his annual report to the Legislature.

Money received for, to be paid into State Treasury.

SEC. 3. This act shall take immediate effect.

An Act relative to copies of the United States Laws.

[Approved March 1, 1847. Laws of 1847, p. 36.]

(277.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State is hereby authorized and directed to procure one or more complete copies of the Laws of the United States, to be deposited in the State Library for the use of the Legislature; and when so procured and deposited, the said copy or copies shall not be taken from the Capitol by any person whatsoever.

Copies of U. S. Laws to be procured and deposited in State Library.

From chapter twelve of Revised Statutes of 1846.

THE BOARD OF STATE AUDITORS.

(278.) SEC. 44. The Secretary of State, State Treasurer, and Commissioner of the State Land Office shall constitute a Board of State Auditors, and as such they shall have power, and it shall be their duty annually, and at any other time in their discretion, to enter into a full settlement and final adjustment with every officer and agent of the State, of all debits, credits, claims, and demands, of whatsoever description, between such officer or agent and this State, and it shall also be their duty to examine, adjust, and settle all other claims and demands against this State which may be presented by any other person or persons, the settlement of which is not otherwise already provided by law; but such board shall not allow and audit any claims against the State, unless the same shall be established by competent testimony; and said board shall keep a record of its proceedings, which shall contain each claim presented and its items, an abstract of the evidence taken, the amount adjusted and settled in favor of the person or persons presenting the claims, or in favor of the State; and any member of said board shall have power to administer oaths to any person or persons presenting claims, or to witnesses; to examine the person or persons under oath; to issue subpoenas to any part of the State against witnesses; and if any witness or witnesses fail to appear in pursuance thereof,

Board of State Auditors; their powers and duties.

Const. Art. 8, Sec. 4.

Mode of proceeding.

Fees of witnesses. and the fees provided herein shall have been paid or tendered, to issue attachments to compel their attendance; to set off any legal or equitable claim against such person or persons in favor of the State, upon proof of the same, and to adjourn from time to time: *Provided however*, That every witness shall be entitled to one dollar a day while in attendance before the board, and six cents a mile in coming to the place of attendance, to be paid by the party who procures said witnesses: *And provided further*, That in all settlements with the State Treasurer, the Auditor General shall be a member of said board for that purpose, to the exclusion of the Treasurer.¹

When annual settlement of accounts to be made.

Notice to be given.

1844, p. 81, Sec. 1.

Settlement with State officers.

When party entitled to warrant for payment of claim.

Proceeding when party is indebted to State

(279.) SEC. 45. The annual settlement of the accounts of the several receiving or disbursing officers or agents of this State, before the Board of State Auditors, shall be had as soon after the first day of December, in each year, as the accounts of said officers on the books of the Auditor General can be closed for the preceding fiscal year; of which time the Auditor General shall give notice to the Treasurer, who shall thereupon require said several officers and agents to appear before said board at his office, on some day to be designated by him, of which time he shall also notify the other members of the board.

(280.) SEC. 46. As soon as practicable after the expiration of the official term or resignation of any such receiving or disbursing officer or agent, the Secretary of State shall give notice to the Board of State Auditors, and to such officer or agent, to meet at the office of the State Treasurer, for the purpose of making a full and final settlement of the accounts of such officer or agent; and the said board shall proceed thereon in the same manner as is provided in relation to the annual settlement of said account.¹

(281.) SEC. 47. If, upon the allowance of any claim, or upon a balance being struck on any settlement made in pursuance of this chapter, it shall appear that the State is indebted to the party with whom such settlement is made, or to whom such claim shall be allowed, he shall be entitled to a warrant drawn by the Auditor General upon the State Treasurer therefor forthwith; but if it shall appear that such party is indebted to the State, said board shall demand immediate payment of the amount due; and if for any cause such payment is not immediately made, the fact shall be entered upon the books of the Treasury, and the Treasurer shall give notice thereof to the Auditor General, and the Auditor General

¹ As amended by Laws of 1851, p. 173.

shall not thereafter draw any warrant in favor of such person upon the Treasurer until such payment be made; and the Attorney General shall proceed forthwith to collect the same, if, in the opinion of the board, the interests of the State require it.¹

(282.) SEC. 48. The Board of State Auditors shall submit to the Legislature annually, at the commencement of its session in January, a report of their doings during the year next preceding.

Report of State
Auditors.
1842, p. 15, Sec.
5.

An Act to provide for the sessions of the Board of State Auditors.

[Approved April 2, 1869. Laws of 1869, p. 227.]

(283.) SECTION 1. *The People of the State of Michigan enact,* Time of session.
That it shall be the duty of the Board of State Auditors to meet at nine o'clock, A. M., on the last Wednesday of each month, at the office of the Secretary of State, and to continue in session until the business placed before said board is disposed of.

SEC. 2. This act shall take immediate effect.

Joint Resolution to regulate the making up of reports of claims examined and adjusted by the Board of State Auditors.

[Approved March 26, 1869. Laws of 1869, p. 406.]

(284.) Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors, in hereafter making up their report of claims examined and adjusted by them, shall so make up their report as to show separately:

First. The amount allowed to each of the State offices or officers, State boards, and judiciary, for stationery and other general allowances;

Second. The amount allowed for all printing for the Senate, the House of Representatives, for each of the State offices or officers, the State boards, and judiciary, and all other printing not included above;

Third. The amount allowed for binding;

Fourth. And generally, they shall so arrange their report as to show in the best possible manner, the expense of each department of the government, whose claims they allow;

Fifth. Such allowances, so separately reported, shall be separately footed and carried forward, and the aggregate of each class or department given.

¹ As amended by Laws of 1851, p. 178.

An Act to amend section forty-four (44) of chapter twelve (12) of the Revised Statutes of 1946.

[Approved January 26, 1948. Laws of 1948, p. 9.]

SECTION 1.¹

Attorney General to represent State before the Board.

(285.) SEC. 2. It shall be the duty of the Attorney General to appear in behalf of the State, before the Board of State Auditors, when they shall sit to audit claims against the State, and to that end said board shall give said Attorney General timely notice of the time and place of their meeting to audit such claims.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to amend an act entitled "An act to amend section forty-four of chapter twelve of the Revised Statutes."

[Approved February 2, 1948. Laws of 1948, p. 22.]

State Auditors to fix time for hearing claims, etc.

(286.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors, upon the presentation of any claim or matter which has been, or which hereafter may be, referred by the Legislature to them for adjustment, shall fix a time for the hearing thereof, reasonable notice of which shall be given by them to the Attorney General; and they may, in their discretion, adjourn the hearing of any such matter from time to time.

May issue subpoena.

(287.) SEC. 2. Any member of said board may issue subpoena for witnesses, whose attendance the board may compel by attachment, and who may be sworn by any member of the board.

SEC. 3. This act shall take effect from and after its passage.

Joint Resolution relative to costs before the Board of State Auditors.

[Approved March 27, 1948. Laws of 1948, p. 457.]

Costs may be awarded by Board.

(288.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That, in the investigation of claims heretofore referred or hereafter to be referred to the Board of State Auditors, all proper and reasonable costs incurred on the part of the State for fees to witnesses in procuring their attendance before the board, or in taking their depositions, shall be audited and allowed by said board, who shall certify to the Auditor General the amount allowed, if any, in the examination of each

¹ Amends section 44. The same section was subsequently amended as above given.

claim, specifying in said certificate the persons to whom such allowances are made, and the sum allowed to each person, for which the Auditor General shall draw his warrant upon the Treasury.

Resolved, That the above resolution shall take effect from its passage.

An Act making appropriation for the payment of warrants drawn by the Board of State Auditors.

[Approved February 12, 1855. Laws of 1855, p. 270.]

(289.) SECTION 1. *The People of the State of Michigan enact*, Appropriation to pay warrants. That there be appropriated from the general fund such sums as may be necessary to pay warrants that may be drawn upon claims allowed by the Board of State Auditors.

This act shall take effect immediately.

An Act to provide for the payment for wood, lights, and other incidental expenses of the Legislature and State offices.

[Approved February 2, 1849. Laws of 1849, p. 16.]

(290.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, The Board of State Auditors are hereby authorized to contract for or purchase wood, lights, and necessary furniture for the legislative halls and State offices from time to time, and to audit and allow the accounts for the same, and accounts for making necessary repairs on the Capitol, and the house and grounds adjoining belonging to the State, and also for a porter to take charge of the State offices in the Capitol, and for transportation of packages to and from the State offices, for the payment of which the State would be liable, and for other necessary incidental expenses of said offices, and also, for the improvement of Capitol Block by planting trees and shrubbery upon said block, and also for all other necessary improvements for the enhancement of the value of the property of the State at Lansing; and also to procure plans, drawings, and estimates for a State Capitol, to be submitted to the Legislature of eighteen hundred and fifty-nine.¹ State Auditors to audit claims for supplies for State officers, and for care, etc., of State property

¹ As amended by an act to amend act number twenty-two of the Session Laws of 1849, being "An act to provide for the payment for wood, lights, and other incidental expenses of the Legislature and State officers," approved February 17, 1857; took effect May 17, 1857. Laws of 1857, p. 443.

Auditor General
to charge ac-
counts and draw
warrants.

(291.) SEC. 2. Such accounts, when so audited and allowed, shall be charged by the Auditor General to the appropriate accounts, and, upon his warrant, shall be paid from the State Treasury, from moneys belonging to the respective funds on which the warrant shall be so drawn.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to provide for letting to contract the furnishing of fuel and stationery for the use of the State, and also the State printing and binding.

[Approved June 24, 1851. Laws of 1851, p. 269.]

Secretary of
State to adver-
tise for proposals

(292.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the Secretary of State, on the first Monday of October next, and every second year thereafter, to cause to be published in some newspaper published at the seat of government, and such other newspapers published in this State as he shall deem necessary and proper, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding the laws, journals, and documents, all blanks, paper, and printing for the executive departments, and all other printing ordered by the Legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for receiving such proposals.

Specifications.

(293.) SEC. 2. Said notice shall specify the kind and quality of the articles, and the time when the same shall be delivered, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice.

Printing and
binding.

(294.) SEC. 3. The printing and binding of the laws, journals, and documents, to be in a style and manner equal to the printing and binding for the State in the year eighteen hundred and forty-seven, and be completed in a reasonable length of time, to be specified in the contract for the same.

State Auditors to
examine propo-
sals and let con-
tracts.

(295.) SEC. 4. At the time and place specified in said notice, it shall be the duty of the Board of State Auditors to meet, and then and there proceed to open and examine all proposals received by the Secretary of State pursuant to such notice, and immediately enter into written contract or contracts, to commence on the first day of January then next, with the person or persons whose propositions are the lowest, and who shall execute bonds to the people of the State of Michigan, jointly and severally, with good and

sufficient sureties, in such penal sums as the said Board of State Auditors shall require, for the faithful performance of such contract.

(296.) SEC. 5. All demands against the State arising under such contracts, from time to time, shall be audited by the Board of State Auditors; but no charge for constructive labor shall in any case be allowed. The Auditor General shall draw his warrant on the State Treasurer for all sums so audited and allowed, who shall pay the same out of any moneys in the Treasury not otherwise appropriated.

Demands against State; how audited and paid.

(297.) SEC. 6. In case any such contractor shall fail to perform his contract, it shall be the duty of the said Board of State Auditors to cause the objects of such contract to be accomplished in any way by them deemed advisable for the best interest of the State; and it shall be the duty of the Attorney General forthwith to prosecute the bonds of such delinquent contractor.

Duties of Attorney General in case of non-fulfillment of contract.

SEC. 7. This act shall take effect immediately.

THE STATE BOARD OF EQUALIZATION.

An Act to provide for a State Board of Equalization.

[Approved April 7, 1851. Laws of 1851, p. 143.]

(298.) SECTION 1. *The People of the State of Michigan enact,* That there shall be a State Board of Equalization, to consist of the Lieutenant Governor, Auditor General, Secretary of State, State Treasurer, and Commissioner of the Land Office, whose duty it shall be, in the year eighteen hundred and fifty-one, and every fifth year thereafter, to equalize the assessments on all taxable property in the State, except that paying specific taxes, as herein-after provided.¹

Board of Equalization and its duty.

(299.) SEC. 2. It shall be the duty of the board to meet at the Capitol in the village of Lansing, on the third Monday of August, and the persons composing it shall organize by choosing one of their number chairman, and the Deputy Auditor General, or one of the clerks in the office of the Auditor General, shall act as secretary, who shall keep a record of the proceedings, which shall be certified by said chairman and secretary, and filed in the office of the Auditor General.

When to meet at Capitol.

Who to act as secretary.

(300.) SEC. 3. The several persons constituting the board as herein provided, before entering upon the duties of their office,

Oath of office.

¹ As amended by Act 65 of 1871. Laws of 1871, p. 112.

shall each take and subscribe the constitutional oath of office, before some person authorized to administer oaths; which oaths shall be filed and preserved with the proceedings of the board.

Board to examine tabular statements of boards of supervisors.

(301.) SEC. 4. After said board shall have been organized, they shall proceed to examine the tabular statements of the board of supervisors of each county, provided for in the eighth section of this act, and to hear the representatives from the several boards of supervisors as hereinafter provided; and they shall determine whether the relative valuation between the several counties is equal and uniform, according to location, soil, improvements, production, and manufactories; and also whether the personal estate of the several counties has been uniformly estimated, according to the best information which can be derived from the statistics of the State, or from any other source. If, after such examinations, such assessment shall be determined relatively unequal, they shall equalize the same, by adding to or deducting from the aggregate valuation of taxable real and personal estate in such county or counties, such percentage as will produce relative equal and uniform valuations between the several counties in the State; and the percentage added to or deducted from the valuations in each county shall be entered upon their records; and the valuations of the several counties, as equalized, shall be certified and signed by the chairman and secretary of the board, and filed in the office of the Auditor General, and shall be the basis for apportioning all State taxes until another equalization shall be made.

Assessments relatively unequal, how equalized.

Duty of Auditor General and county treasurer.

(302.) SEC. 5. It shall be the duty of the Auditor General, as soon as may be, after the determination of the State Board of Equalization shall be filed in his office, as provided in the preceding section, to send a certified transcript of the same to the Treasurer of each county, who shall cause the same to be published in one or more papers in the county.

Board of supervisors to equalize assessments.

(303.) SEC. 6. A meeting of the board of supervisors for the year eighteen hundred and fifty-one, shall be held on the second Monday of June, and on the second Monday of June every fifth year thereafter; and, when convened, the board shall proceed to equalize the assessment rolls in the same manner as is provided in chapter twenty of the Revised Statutes of eighteen hundred and forty-six; and each of said supervisors shall add up the columns of their respective rolls, enumerating the number of acres of land, and the value of the real estate and personal property so assessed, so as to show the aggregate of each.

(304.) SEC. 7. The Board of Equalizers shall hear any evidence which may be laid before them by any person appointed by any board of supervisors, and any representation made by such person in behalf of any county. Board may hear evidence.

(305.) SEC. 8. It shall be the duty of the clerk of each board of supervisors to make out a tabular statement from the aggregate of the several assessment rolls, of the number of acres of land, and the value of the real estate and personal property in each township and ward, as assessed, and also the aggregate valuation of the real estate of each roll, as equalized, and make a certified copy thereof, signed by the chairman and clerk, and transmit the same to the Auditor General on or before the second Monday of July following, who shall lay the same before the State Board of Equalization when organized: *Provided*, That such statement and copy shall not embrace any property paying specific taxes. Clerks of boards of supervisors to make statement. And transmit copy to Auditor General. Proviso.

(306.) SEC. 9. Any three members of the board shall constitute a quorum for the transaction of business. The Lieutenant Governor shall receive three dollars a day for actual attendance, and ten cents a mile for travel in going to and returning from the seat of Government, the usual traveled route, to be paid out of the Treasury, on the warrant of the Auditor General. Three to constitute quorum. Compensation of Lieut. Governor.

SEC. 10. This act shall take effect immediately.

PROVISIONS RESPECTING STATE INDEBTEDNESS AND STATE FUND COMMISSIONERS.

An Act to provide for the withdrawal of Treasury Notes, and for other purposes.

[Approved February 10, 1843. Laws of 1843, p. 24.]

SECTION 1.²

(307.) SEC. 2. The State Treasurer is hereby required to cancel and destroy all Treasury notes received into the Treasury to the credit of the sinking fund, in the presence of the Auditor General, receiving credit on account of said Treasury notes, to the amount so canceled and destroyed; and whenever any other moneys shall be received to the credit of the sinking fund than Treasury notes as aforesaid, and there shall be in the Treasury, to the credit of any other fund or funds, any Treasury notes, such other money shall be passed to the credit of said fund or funds, and an equal amount of Treasury notes shall be transferred therefrom to the sinking Treasurer to cancel and destroy Treasury notes. See Laws of 1843 p. 3.

¹As amended by Act 65, of 1871. Laws of 1871, p. 112.

²Related to the receipt and payment over of moneys received for fare, etc., on State works of internal improvement.

fund and canceled as above described, and the said credit shall as well describe the number and amount of each particular denomination of bills as the aggregate amount so destroyed.

Gold and silver, treasury notes, or bills of specie-paying banks, alone to be taken for public dues.

(308.) SEC. 3. Gold and silver, Treasury notes heretofore emitted, or bills of sound specie-paying banks, at the discretion and upon the responsibility of the receiving officer or officers, shall alone be receivable for any debt, taxes, or other dues coming to the State: *Provided*, That delinquent tax bonds heretofore issued, or which may hereafter be issued, and the coupons thereon, as they severally become due, may be received in payment of delinquent taxes.

Proviso.

Officers and agents to pay over the same funds they receive.

(309.) SEC. 4. All collecting and disbursing officers, all county and township treasurers, and all other public officers or agents, through whose hands public moneys pass, are hereby required to pay into the State, county, and township treasuries, as the case may be, or to State, county, and township creditors, as the case may be, at the option of such creditors, or to civil and military officers entitled to compensation for public services, at the option of such officers, the same description of funds which they shall have received in the collection of taxes or other public dues, or for freight and charges to passengers on the State railroads. Any of the aforesaid collecting and disbursing officers or agents, who shall violate any of the provisions of this act, or shall appropriate any of the public moneys to his or their own private use, except in pursuance of law, or shall lend to others, or otherwise embezzle any of the said public moneys, he or they shall be prosecuted for said offense, and, on conviction thereof, be punished by fine and imprisonment; the fine not to be more than one thousand dollars, and the imprisonment not to exceed five years, at the discretion of the court.

Fine and imprisonment for violation of act, or misappropriation of money.

SEC. 5. This act shall take effect and be in force at the expiration of ten days from and after its passage.

An Act to authorize the State Treasurer to burn and destroy the notes of the late Government Stock Bank of Ann Arbor, now remaining in his office, and the notes of other banks in like condition.

[Approved February 10, 1865. Laws of 1865, p. 39.]

Treasurer authorized to destroy notes.

(310.) SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer, in the presence of the Secretary of State, be and he hereby is authorized and instructed to burn and destroy all the notes of the late Government Stock Bank now remaining in his office.

(311.) SEC. 2. In case any of the banks in this State, doing business under the general banking law, shall fail to redeem their notes, and the same shall be redeemed by the State Treasurer, under the provisions of section fourteen of the general banking law, the said Treasurer, in the presence of the Secretary of State, is hereby authorized and instructed to burn and destroy all such notes so redeemed by him.

SEC. 3. This act shall take immediate effect.

An Act relative to the letting of contracts by State officers, boards of control, inspectors, or commissioners.

[Approved March 15, 1861. Laws of 1861, p. 275.]

(312.) SECTION 1. *The People of the State of Michigan enact*, Act amended. That an act entitled "An act relative to the letting of contracts by State officers, boards of control, inspectors, or commissioners," being act one hundred and seventy-one, of session laws of eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

(313.) SECTION 1. That it shall be the duty of each and every State officer, Board of State Auditors, board of control, inspectors, or commissioners of any public improvement, work, building, or institution, acting for the State, to require of all and every person bidding for any contract, by them or any of them to be let or made, such good and sufficient security as they may require, not less than one-fourth the sum total of the amount of the estimated cost of said contract, or the work to be performed under it, conditioned so as to secure the State from loss or damage which may arise by reason of the withdrawal of the bid or bids by such person or persons made before the time for entering into or making of the contract by them offered to be made; and in case any person or persons shall make any bid or sealed proposal for the performance of any work, labor, furnishing materials, or contract to be made with any such State officer, State Auditors, board of control, inspector, or commissioner, it shall not be lawful for such person or persons to withdraw, cancel, alter, or amend the same after it shall have been thus made, deposited, and filed with any such State officer, or other person duly authorized to receive the same, previous to the time appointed for opening the same. After the opening of said bids and letting such contract, the State officer or other person holding the same shall continue so to keep the same,

Bidders for contract to give bonds.

Bids shall not be withdrawn or altered before time for opening

Proceedings
when builders
refuse to enter
into contract.

Disposition of
damages recov-
ered.

Proviso.

Further proviso.

and the securities filed therewith, and if such bid shall be lowest, it shall be considered a lawful bid or proposal, and treated as other bids and proposals are required by law to be treated; and if any such person or persons shall fail to enter into any contract, as contemplated by such officer in the advertisement or other information therefor, or by the terms of the bid or proposal so received, or shall refuse to execute and fulfill the same, it shall be the duty of such State officer, or Board of Auditors, member of board of control, inspector, or commissioner to immediately prosecute such person or persons, and the person or persons giving such bond or security, and to recover such damages thereon as may be adjudged by any court of this State; and all money so recovered from such person or persons, or any other person or persons, as sureties or bondsmen with said principal or principals, shall be paid into the State Treasury, after deducting costs of suit, and be credited to the general fund: *Provided*, When any such forfeiture shall be made to any public institution, building, asylum, or public work, the damages or moneys so recovered shall be credited by the State Treasurer to the said institution, building, asylum, or public work named in such advertisement, bid, or proposal, or for which the same was intended to be made: *And provided further*, That said person or persons, or board of officers, shall have the right to reject any of said bids or proposals, if in their judgment the public interest will be subserved thereby.¹

SEC. 2. This act shall take immediate effect.

An Act in relation to the payment of interest on certain State stocks.

[Approved March 7, 1843. Laws of 1843, p. 131.]

Interest on State
stocks or bonds
may be paid at
State Treasury.

(314.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the payment of interest on any of the stocks or bonds of this State, now payable in New York or elsewhere, may hereafter be made at the State Treasury, if the holders of said stock or bonds shall so elect.

SEC. 2, 3.²

SEC. 4. This act shall take effect and be in force from and after its passage.

¹ As amended by Act 175 of the Laws of 1871, p. 289, approved April 17, 1871.

² Temporary.

An Act to liquidate the public debt, and to provide for the payment of the interest thereon, and for other purposes.

[Approved March 8, 1843. Laws of 1843, p. 150.]

Whereas, The interest is in arrear, and unpaid on certain bonds, issued by the State, for part of the five-million loan, so called, which bonds the State has received the full consideration for, and is legally and equitably bound to provide for the payment of the principal and interest thereof, according to the terms of said bonds respectively, and which bonds are specified in the first section of this act; *And whereas*, The holders of said bonds have expressed a willingness to receive the bonds of the State, in payment of the interest which has accrued thereon, and which may accrue thereon up to the first day of July, which will be in the year eighteen hundred and forty-five, and to surrender the coupons attached to said bonds up to the said first day of July, eighteen hundred and forty-five; therefore,

(315.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Governor be and is hereby authorized to issue and deliver, on the surrender of the coupons for the corresponding period, the bonds of the State for the interest which has accrued on the bonds hereafter specified in this section, since the first day of July, in the year eighteen hundred and forty-one, and the interest that will accrue up to the first of July, eighteen hundred and forty-five, and interest on such interest after the same became due, and which shall become due and payable hereafter, agreeable to the stipulation for the payment of interest on the bonds of this State, issued as a part of the five-million loan up to the first day of July, in the year eighteen hundred and forty-five, to the holders, for the time being, of any of the following bonds, issued for part of the five-million loan, so called, that is to say: bonds for the sum of one thousand dollars each, numbers one hundred and one to one hundred and eighty-eight [101 to 188], inclusive; four hundred and ninety-six to five hundred [496 to 500], inclusive; five hundred and fifty-two and five hundred and fifty-three [552 and 553], six hundred and one to eight hundred [601 to 800], inclusive; and bonds for the sum of three thousand dollars each, numbers one to three hundred and fifty-six, each [1 to 356] inclusive; three hundred and ninety-nine and four hundred [399 and 400], four hundred and thirty-four to four hundred and thirty-nine [434 to 439], inclusive; being in all, two hundred and ninety-five bonds of the

Governor authorized to issue bonds for interest in certain cases.

Governor authorized to issue bonds for interest in certain cases.

denomination of one thousand dollars each, and three hundred and sixty-four bonds of the denomination of three thousand dollars each, amounting in all to the principal sum of one million three hundred and eighty-seven thousand dollars [\$1,387,000], which said bonds for the interest shall be in the same form as the bonds heretofore issued for said loan, and shall be made payable on the first day of January, which will be in the year one thousand eight hundred and fifty, with interest thereon at the rate of six per centum per annum from and after the first day of July, one thousand eight hundred and forty-five, to be paid semi-annually, on the first days of July and January, in each year, at such place in the city of New York as the Governor shall designate, and for the payment of which bonds, according to the terms thereof, the faith of the State is hereby pledged.

For payment of interest, net proceeds of all public works pledged, with exceptions.

(316.) SEC. 2. For the payment of interest accruing after the first of July, eighteen hundred and forty-five, on the bonds specified in the first section of this act, and on the bonds which may be issued under the sixth section of this act, the net proceeds of all the public works of the State shall be, and they are hereby pledged, except so far as the same have been, or may be, appropriated by law, for the completion of the Central and Southern railroads to Marshall and Hillsdale, and so far as the same may be necessary for the purchase of locomotive engines, cars for said road, etc., for the redemption of State scrip now outstanding with interest thereon, and also for the payment of interest on warrants heretofore drawn on the internal improvement fund.

Bonds receivable in payment for the public lands, with exceptions.

(317.) SEC. 3. The bonds which may be issued for the interest, according to any provision in this act contained, shall be receivable in payment for the public lands of the State, University and school lands excepted: *Provided*, This section shall not go into effect before the first day of July, in the year of our Lord eighteen hundred and forty-five.

Deficiency in payment of interest, to be made up by taxation.

(318.) SEC. 4. In case of any deficiency arising from the proceeds of the public works, to pay the interest on the bonds specified in the first section of this act, as the same shall become due and payable, or on the bonds which may be issued under the sixth section of this act, after the first day of July, eighteen hundred and forty-five, the same shall be made up out of any moneys in the Treasury not otherwise appropriated; and if there be no money in the Treasury when such deficiency is ascertained, which may be used for that purpose, then the same shall be provided for by tax, as hereinafter provided.

(319.) SEC. 5. Upon ascertaining such deficiency, the Auditor General shall be and he is hereby authorized and required to transmit the amount to be assessed in each county to the proper authorities of such county, and the same shall be by them assessed, levied, collected, and returned in the same manner as other State taxes are levied, collected, and returned.

Proceedings by Auditor General on ascertaining deficiency.

And whereas, A large amount of the bonds of this State, issued under the act authorizing said loan, were delivered to the United States Bank, and Morris Canal and Banking Company, in pursuance of a contract of sale made with them in the month of November, eighteen hundred and thirty-eight, which they neglected to fulfill, and upon which they advanced to this State only a small portion of the amount of said bonds, which said bonds it is understood the said bank has hypothecated as security for money borrowed by them, and the same remains outstanding: *And whereas*, The said bank is bound to surrender the whole of said bonds to the State, to be canceled on the liquidation of the amount actually due, and it is desirable that the same may be settled as speedily as practicable; therefore, *Be it further enacted*:

(320.) SEC. 6. That whenever the whole of said last mentioned bonds shall be surrendered to the State to be canceled, the Governor shall, and he is hereby authorized to execute and deliver to the holders thereof, the bonds of this State for the money which has been actually received from the United States Bank upon the said bonds, subject, however, to the deductions specified in the act relating to said bonds, passed seventeenth February, eighteen hundred and forty-two, and the proclamation of the Governor, reference being thereto had; which said bonds so to be given, shall be in the same form as the original bonds issued for the five-million loan, so called, and made payable at the same time and in the same manner; and for the interest which shall have accrued upon the amount thus ascertained to be due up to the first day of July, in the year eighteen hundred and forty-five, the bonds of this State shall be issued and delivered to the person or persons entitled to receive the same, in the same form and payable in the same manner as the bonds which may have been issued for the interest on the bonds specified in the first section of this act; and the bonds hereby authorized to be issued both for principal and interest shall be placed on the same footing precisely, and in every respect as the said bonds specified in the first section of this act, and the interest thereon shall be paid in the same manner.

When bonds held or hypothecated by United States Bank shall be returned, Governor to issue new bonds for moneys State has received.

SEC. 7. This act shall take effect and be in force from and after its passage.

An Act in relation to the redemption of general-fund warrants, and delinquent tax stock or bonds.

[Approved March 1, 1845. Laws of 1845, p. 25.]

How State indebtedness to be called in when holder unknown

(321.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever there may be in the State Treasury any funds applicable to the redemption of warrants on the general fund, tax bonds, or other State indebtedness, the holders whereof may be unknown to the State Treasurer, he shall cause two or more months' notice to be given in the State paper, that such warrants, bonds, or other evidences of State indebtedness, describing them particularly by numbers, dates, or otherwise, will be redeemed on presentation at the State Treasury in specie or its equivalent; and interest on such warrants, bonds or other indebtedness, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of such notice.

How interest computed thereon.

(322.) SEC. 2. Whenever the State Treasurer, in pursuance of the provisions of the foregoing section, may call in any of the outstanding tax bonds or stocks past due, bearing interest annually or semi-annually, there shall be allowed interest thereon to the time of redemption of the principal, if presented for payment within two months from the date of the publication of the notice that such bonds or stocks would be redeemed. If presented after two months from the date of such publication, then interest shall be allowed to the termination of said two months, and no longer.

SEC. 3. This shall be in force from and after its passage.

An Act to provide for the payment of interest on the liquidated portion of the five-million loan.

[Approved January 27, 1843. Laws of 1843, p. 19.]

State Treasurer to pay up and cancel certain coupons on full-paid bonds.

(323.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer is hereby authorized, from time to time, and as often as they semi-annually become due, to pay up and cancel the coupons upon the full-paid five-million loan bonds, and the interest on the bonds heretofore issued for unpaid interest on said loan bonds up to July one, eighteen hundred and forty-five, outstanding and falling due in January and July, annually, out of any moneys in the Treasury to the credit of the general fund, and not otherwise appropriated, whenever, in his opinion, such payments can be made without impairing the ability of said fund to promptly meet its just indebtedness and accruing liabilities.

(324.) SEC. 2. To reimburse the said general fund for all payments made therefrom by the State Treasurer, in accordance with the provisions contained in the first section of this act, the said Treasurer is hereby authorized and required to transfer and place to the credit of said fund a sum equal to the aggregate of all such payments, out of the first moneys coming into the Treasury as the proceeds of the extra State tax authorized to be raised for the payment of the coupons upon said full-paid bonds, by the "Act to liquidate the public debt and to provide for the payment of interest thereon, and for other purposes," approved March eight, eighteen hundred and forty-three: *Provided*, That in estimating any deficiency under the provisions of the act in this section referred to, for the purpose of levying an extra State tax to meet such deficiency, the Auditor General is hereby directed to estimate such deficiency without deducting therefrom any payment that may have been made under the provisions of this act from the general fund.

To reimburse
general fund for
such payments.

Deficiency, how
estimated.

SEC. 3. This act shall take effect and be in force from and after its passage.

An Act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five-million loan bonds.

[Approved April 1, 1848. Laws of 1848, p. 228.]

(325.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the surrender of any outstanding warrants on the internal improvement fund, at the State Treasury, the holder thereof shall be entitled to receive from the Governor of this State, certificates of stock or bonds for the amount due on said warrants, with the interest computed up to the first day of January next.

Bonds to be
issued on sur-
render of internal
improvement
warrants.

(326.) SEC. 2. The stock provided for in the first section of this act shall be issued in bonds of fifty, one hundred, two hundred, five hundred, and one thousand dollars, at the option of the party surrendering the warrants therefor; said bonds shall be drawn payable, principal and interest, at the State Treasury; they shall be made payable and redeemable on the first day of January, eighteen hundred and seventy, and shall bear interest at the rate of six per cent per annum, from the first day of January, eighteen hundred and forty-nine, payable semi-annually on the first day of July and January thereafter, until the maturity of said bonds, or the redemption of the principal: *Provided*, That the Legislature may,

Denomination of
bonds; when
payable.

at any time after the first day of January, eighteen hundred and fifty, determine by law that said bonds, or any portion thereof, designating the same by their respective amounts, dates, and numbers, shall be redeemable forthwith, or at any definite period prior to the first day of January, eighteen hundred and seventy.

When State
Treasurer to
give notice for
redemption of
bonds.

(327.) SEC. 3. Whenever there shall be in the State Treasury any funds applicable to the redemption of said bonds, and set apart for that purpose by the Legislature, under the provisions of the preceding section, the State Treasurer shall cause a notice to be given in the State paper, for eight weeks successively, that the bonds (describing them particularly by amounts, dates, and numbers), designated by the act of the Legislature last aforesaid, will be redeemed on presentation at the State Treasury, in specie or its equivalent; and interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice.

Warrants to be
canceled.

(328.) SEC. 4. Upon the surrender of any of said warrants, under the provisions of the first section of this act, the State Treasurer shall cancel the same, and the fact of such cancelment, together with the amount of the new bonds to be issued for each parcel so canceled, shall be certified to the Governor by the State Treasurer and Auditor General, and for such fractional sums less than fifty dollars, as may be found due on any parcel of warrants so surrendered, the Auditor General shall draw a warrant on the internal improvement fund.

Bonds receivable
in payment for
State lands.

(329.) SEC. 5. All the bonds issued under the preceding sections of this act, and the coupons of the same as they severally become due, shall be receivable for any of the following lands, not reserved from sale or otherwise appropriated, viz: internal improvement lands, State building lands, asset lands,¹ salt spring lands, and for university lands, to the amount now authorized by law to be received in internal improvement warrants for the said University lands: *Provided*, That upon the reception and payment of any such bonds, the coupons not due shall remain attached thereto, or the amount of any coupon not due which shall be detached therefrom, shall be deducted from the principal of any such bond or bonds.

Treasurer to
pay up and
cancel coupons
for interest.

(330.) SEC. 6. The State Treasurer is hereby authorized to pay up and cancel the coupons falling due in January and July annually upon the bonds, by the preceding sections of this act author-

¹ See the act next following.

ized to be issued, from any moneys to the credit of the general fund, subject, however, to the same conditions and restrictions as those contained in the act to provide for the payment of interest on the liquidated portion of the five-million loan, approved January twenty-ninth, eighteen hundred and forty-eight.

(331.) SEC. 7. It shall be the duty of the Auditor General, at the time of estimating any deficiency in the appropriate funds, to meet the interest falling due and payable under the provisions of the act to liquidate the public debt, and to provide for the payment of the interest thereon, approved March eighth, eighteen hundred and forty-three, to add to such deficiency the amount of coupons and interest then due and unpaid upon all the outstanding bonds authorized to be issued under the provisions of this act, and also to add to such deficiency the amount of coupons and interest then due and unpaid upon all the outstanding stock or bonds authorized to be issued under the provisions of the acts as follows, to wit: "An act to provide for the relief of the Palmyra and Jacksonburg Railroad Company," approved June twenty-two, eighteen hundred and thirty-seven, and "An act to provide for the relief of the Detroit and Pontiac Railroad Company," approved March fifth, eighteen hundred and thirty-eight, without deducting therefrom any sums that may have been paid on account of said coupons and interest, as mentioned in the preceding section, out of the general fund.

Duties of Auditor General in providing for payment of interest.

Laws of 1837, p. 319.

Laws of 1838, p. 66.

And whereas, The holders of the part-paid five-million loan bonds, being the outstanding portion of the three million eight hundred and thirteen thousand dollars of the five-million loan, and other bonds delivered to the United States Bank, and Morris Capal and Banking Company, and referred to in the preamble to the sixth section of the act approved March eight, eighteen hundred and forty-three, above referred to, have not surrendered up the same for adjustment, under the said act of eighteen hundred and forty-three;

And whereas, Doubts are entertained as to the power of surrendering under said act, a part only of said bonds, and as the Legislature, by "An act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March twenty-eight, eighteen hundred and forty-six, did reduce the rate of damages claimed from twenty-five per cent to three per cent on the unpaid portion of said bonds, and did determine the precise amount recognized to be due upon said bonds

Laws of 1846, p. 87.

respectively; Now, therefore, for the purpose of a full and final adjustment and funding of the same,

When bonds to be issued for part-paid five-million loan bonds.

(332.) SEC. 8. *Be it further enacted*, That upon the surrender at the Treasury of this State of any of the said part-paid five-million loan bonds still outstanding, the holder of the same shall be entitled to receive from the Governor of this State certificates of stock or bonds at the rate of four hundred and three dollars and eighty-eight cents on each one thousand dollars of said bonds, for principal and interest due thereon the first day of January, eighteen hundred and forty-six, and adding for subsequent interest at the rate of six per cent per annum, on three hundred and two dollars and seventy-three cents for each thousand dollars of said bonds, to be computed up to the first day of January next after the surrender thereof: *Provided*, The coupons since July, eighteen hundred and forty-one, shall remain attached thereto: *Provided further*, That in case any of the coupons falling due on any of the said bonds between the first day of July, eighteen hundred and forty-one, and the maturity of the bond or bonds, shall not be delivered to the State Treasurer with the bonds to which they belonged, there shall be deducted from the amount authorized to be issued in new bonds under the preceding section, the sum of nine dollars and eighty cents for each coupon removed from a bond of one thousand dollars, and twenty-seven dollars and twenty-four cents for each coupon removed from a bond of three thousand dollars.

Denomination of bonds; when payable, etc.

(333.) SEC. 9. The stock to be issued under the provisions of the preceding section may be issued in bonds of one thousand dollars, as far as practicable. Said new bonds shall be drawn, payable, principal and interest, at such place in New York city as the Governor shall designate. They shall be made redeemable respectively at the time fixed for the maturity of the original part-paid bond, upon the surrender of which they are issued, or at any time previous, at the option of the State, when the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks in succession, that the said bonds, or a portion of them (describing them by amounts, dates, and numbers), will be redeemed where payable; and all interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice. Said bonds shall bear an interest of six per cent per annum from the first day of January next, after the surrender of said part-paid bonds, and be payable semi-annually, on the first days of July and

January thereafter, until the maturity of said bonds or the redemption of the principal.¹

(334.) SEC. 10. Upon the surrender of any such original part-paid bond, under the provisions of the two last preceding sections of this act, the State Treasurer shall cancel the same, and the fact of such cancelment, together with the amount of new bonds to be issued therefor, shall be certified to the Governor by the said Treasurer and Auditor General.

Cancelment of old bonds.

(335.) SEC. 11. All bonds to be issued under the provisions of this act shall be issued in the usual form, under the great seal of the State, signed by the Governor, and countersigned by the Secretary of the State, and a register of their numbers, dates, amounts, and the names of the persons to whom issued, shall be kept by the State Treasurer, distinct from all other class of State indebtedness, in a book to be provided for that purpose.

Form and requisites of bonds.

(336.) SEC. 12. The holders of said bonds shall be entitled to demand and receive from the United States Bank, and Morris Canal and Banking Company, in sums proportionate to the amounts of their respective bonds, whatever may be due from the said United States Bank, and Morris Canal and Banking Company, or either of them, to this State, growing out of the negotiation with said institutions, or either of them, of the five-million loan bonds aforesaid: *Provided*, That nothing herein contained shall be construed as any recognition on the part of this State of its indebtedness upon the said five-million loan bonds beyond the amount heretofore acknowledged by this State to have been received upon said bonds. A clause embodying the substance of this section shall be inserted in the bonds to be issued under the provisions of section eight of this act.

Holders of said bonds to be entitled to claim of State on United States Bank and Morris Canal Banking Co.

Sec. 13. This act shall take effect from and after its passage.

As Act supplemental to and amendatory of an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five-million loan bonds.

[*Approved April 3, 1848. Laws of 1848, p. 337.*]

(337.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That section five of said*

Certain section amended.

¹ As amended by "An act to amend section nine of an act entitled 'An act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon; and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five-million loan bonds,' approved April first, eighteen hundred and forty-eight," approved February 14, 1858. Laws of 1858, p. 117.

law be amended by inserting in the third line thereof, after the words "State lands," the words "Primary school lands."¹

SEC. 2. This act shall take effect from and after its passage.

An Act to create a Board of Fund Commissioners, and to define their powers and duties.

[Approved April 8, 1848. Laws of 1848, p. 223.]

Who to constitute Board of Fund Commissioners.

(338.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer, Auditor General, and Secretary of State be and are hereby constituted a Board of Fund Commissioners.

When surplus in Treasury, Board shall invest the same in State liabilities.

(339.) SEC. 2. Whenever, after paying or reserving a sum sufficient to meet all liabilities payable from the general fund, for the current expenses of the State government, and for the payment of interest on State indebtedness provided for by law, there shall be in the State Treasury a surplus over and above such liabilities, the board aforesaid shall have power, and it shall be their duty, to invest the same as they may find for the best interest of the State, in the purchase of stock, bonds, and other liabilities of this State.

Board shall advertise before purchasing, and shall not purchase at more than par value.

(340.) SEC. 3. Said board, before purchasing any such stocks, or other evidences of debt, shall cause a notice to be published by three insertions in one or more daily papers of the largest circulation in each of the cities of Detroit and New York, that proposals for the sale of stock or other evidence of debt of this State, not then past due, will be received by the fund commissioners at the seat of government, at any time prior to a day specified in said notice, and which shall be at least two weeks subsequent to the first publication of said notice in either of the cities aforesaid. No such stocks or evidences of State indebtedness shall be purchased at more than par value, and the commissioners shall in all cases accept of the lowest bids; but preference shall be given, at the same prices, for the State indebtedness first to become due.

Accounts of Treasurer with respect to such purchases.

(341.) SEC. 4. The State Treasurer shall be charged on the books of the Auditor General with the amount of discount allowed on the purchase of the stocks, bonds, or other liabilities above mentioned; and upon cancelment of the same, shall be credited with the payment thereof at their par value.

Record of Board and report of proceedings.

(342.) SEC. 5. The said board shall keep a record of all their proceedings and submit a report thereof to the Legislature each year at the commencement of their annual session.

¹ The words "State lands" do not occur in the third line of the fifth section, and the word "State" may perhaps be a mistake for "asset," which is found in the fifth line of that section as originally printed.

An Act to provide for the payment of the bonds of this State.

[Approved April 3, 1848. Laws of 1848, p. 347.]

(343.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all existing provisions of law in regard to the payment of interest on the full-paid five-million loan bonds, or bonds issued for the payment of interest on the same, shall be and are hereby made applicable to all such bonds as shall be issued on the surrender of any of the part-paid five-million loan bonds of the State, under an act entitled "An act to provide for funding the outstanding internal improvement warrants of this State and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five-million loan bonds," approved April first, eighteen hundred and forty-eight.

Payment of interest on new bonds.

Joint Resolution relative to the surrender of certain internal improvement warrants.

[Approved March 30, 1849. Laws of 1849, p. 582.]

(344.) *Resolved by the Senate and House of Representatives of the State of Michigan,* That upon the surrender of any internal improvement warrants at the State Treasury, for the purpose of being funded under act number one hundred and seventy-three, eighteen hundred and forty-eight, if said warrants shall have been drawn subsequent to the first day of January, eighteen hundred and forty-nine, and not bearing interest prior to that date, the Auditor General and State Treasurer shall compute the interest back to the said first day of January, and upon deducting said interest from the principal of said warrant or warrants, may fund the balance of said warrants, as is provided in regard to outstanding internal improvement warrants drawn and bearing interest prior to said first of January.

How interest computed on warrants called in.
See Sec. 246.

This joint resolution shall take effect and be in force from and after its passage.

An Act to amend an act entitled "An Act to provide for funding the outstanding internal improvement warrants of this State, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five-million loan bonds," approved April 1, 1848.

[Approved April 2, 1850. Laws of 1850, p. 304.]

(345.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That upon the surrender at the Treasury of the State, of any of the said part-paid five-million

Holders of certain bonds entitled to certificates.

loan bonds still outstanding, in payment of any demand due the State for which said part-paid bonds are now by law receivable in payment, the holder of the same shall be entitled to receive from the Governor of this State certificates specifying the number of bonds so surrendered, with the amounts payable thereon by the terms thereof, and declaring said holder, his legal representatives and assigns, entitled to demand and receive, to their own use, from the United States Bank, and Morris Canal and Banking Company, or from the trustees or other legal representatives of said institutions, in sums proportionate to the amounts of their respective bonds, whatever may be due from the said United States' Bank, and Morris Canal and Banking Company, or either of them, to the State of Michigan, growing out of the negotiation with said institutions, or either of them, of the five-million loan bonds aforesaid: *Provided*, That nothing herein contained shall be construed as any recognition on the part of this State of its indebtedness upon the said five-million loan bonds beyond the amount heretofore acknowledged by this State to have been received upon said bonds; and that a clause embodying this section shall be inserted in the certificate to be issued under the provisions of this section.

Proviso.

Bondholders
entitled to
certificates.

(346.) SEC. 2. That in all cases where holders of any of the said part-paid five-million loan bonds have, since the passage of the act hereby amended, surrendered any of said part-paid bonds at the Treasury of this State in payment of any demand due to this State, and the same have been accepted in payment, such holder, upon furnishing to the Governor proof of the facts in this section mentioned, shall be entitled to receive from the Governor like certificates in all respects as mentioned in section one of this act.

Bonds receivable
at the Treasury.

(347.) SEC. 3. That all bonds issued under the provisions of section eight of the act hereby amended, and the coupons as they severally become due, shall be receivable in payment at the Treasury of this State, at the amount payable thereon by the terms thereof, in all cases where by law the part-paid bonds aforesaid would be receivable in payment: *Provided*, That when said bonds shall be paid in before the time when interest commences to run on the same, interest shall be deducted therefrom from the time of payment to the time when interest would have commenced to run on said bonds: *And provided also*, That all coupons not past due shall remain attached to said bonds whenever paid in.

Proviso.

Holders of cer-
tain bonds enti-
tled to certifi-
cates.

(348.) SEC. 4. That if any of the bonds or stock issued, or to be issued, under the provisions of section eight of the act hereby amended, shall, at any time hereafter, be surrendered at the Treas-

ury of this State, in payment, as provided in section three of this act, the holder of the same shall, upon making such surrender, be entitled to receive from the Governor of this State like certificates in all respects as is provided for in the first section of this act.

(349.) SEC. 5. All certificates to be issued under the provisions of this act shall be issued under the great seal of the State, signed by the Governor and countersigned by the Secretary of State, and a register of their numbers, dates, amounts, and the names of the persons to whom issued, shall be kept by the State Treasurer in a book to be provided for that purpose. Certificates, how issued and registered.

SEC. 6. This act shall take effect from and after its passage.

An Act to provide for an early redemption of Internal Improvement warrant bonds.

[Approved June 28, 1851. *Laws of 1851, p. 314.*]

(350.) SECTION 1. *The People of the State of Michigan enact,* Certificates of stock and bonds; when redeemed
In pursuance of the proviso to section two of an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five-million loan bonds, approved April one, eighteen hundred and forty-eight, that all certificates of stock and bonds heretofore issued, as provided for in the first section of above recited act, shall be redeemable forthwith, or at any definite period prior to the first day of January, eighteen hundred and seventy, at the option of the State. And any such bonds which may have been issued, redeemable upon notice, shall be redeemable as provided in such bonds; and whenever the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks in succession, that the said certificates of stock or bonds, or a portion of them (describing them by dates, amounts, and numbers), will be redeemed when payable, all interest on any such certificates or bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice: *Provided*, That the first bonds issued under the provisions of the first section of said above recited act, shall be the first called in by notice as above provided. When interest to cease.

SEC. 2. This act shall take effect immediately.

An Act relative to the disposition of the surplus funds in the State Treasury.

[Approved February 12, 1855. Laws of 1855, p. 238.]

Treasurer to
purchase State
bonds.

(351.) SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer be and he is hereby authorized and instructed to purchase, on behalf of the State, out of any moneys in the State Treasury not otherwise appropriated, or required to meet the ordinary and current expenses and disbursements already provided for by law, so much of the present outstanding indebtedness of the State as he may be enabled to do, and at such rates as he may deem for the best interests of the State, not exceeding, however, the current market rates of said bonds or indebtedness.

Holders of cer-
tain bonds to
present them in
six months.

(352.) SEC. 2. All holders of that class of State bonds for which new bonds are directed to be issued, by section eight, of act numbered one hundred and seventy-three, of the session laws for the year eighteen hundred and forty-eight, entitled "An act to provide for the funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five-million loan bonds," are hereby required, within six months from and after the passage of this act, to present any bonds of this State held by them, at the State Treasurer's office, for the purpose of having the amount due thereon accurately ascertained and new bonds issued therefor according to the provisions of said act. And in case they fail so to present said bonds within the time herein prescribed, no interest shall be allowed on said bonds to the holder or holders thereof, after that time, so that the same may not be in any manner incorporated into said new bond so to be issued, as a part of the principal sum thereof; and the State Treasurer is hereby authorized to give all reasonable and proper notice of the provisions of this act, so as best to secure the object hereby contemplated.

If not presented,
interest to cease.

Notice to be
given by State
Treasurer.

State Treasurer
to require secu-
rity.

(353.) SEC. 3. The State Treasurer is hereby further instructed to require of any bank, before he shall have made it a depository of surplus funds belonging to the State, good and ample security, to be approved by the said State Treasurer, the Auditor General, and the Secretary of State, for the safe keeping and reimbursement of such surplus funds, whenever called for, and the payment of such rate of interest as the State Treasurer, in his discretion, shall deem best for the interest of the State.¹

¹ As amended by Act 200 of the Laws of 1868, p. 351.

(354.) SEC. 4. Nothing herein contained shall be held or considered as in any manner changing or affecting the liability of the State Treasurer, or his bail, on his or their bond to the State. Liability of Treasurer, and bail, not to be affected.

(355.) SEC. 5. An act entitled "An act relative to surplus funds in the State Treasury," approved February ninth, eighteen hundred and fifty-three, and an act entitled "An act supplementary to an act entitled an act relative to surplus funds in the State Treasury, being House bill of present session number seventy-three," approved February twelfth, eighteen hundred and fifty-three, be and the same are hereby repealed. Acts repealed. 1853, p. 71. 1853, p. 88.

Joint Resolution to provide for applying the surplus funds in the State Treasury, in payment of the interest-bearing bonds of the State.

[Approved March 6, 1862. Laws of 1862, p. 338.]

(356.) *Whereas*, It is shown by the recently published report of the State Treasurer, that there is a large surplus fund in the State Treasury ;

And whereas, Prudence and sound policy require that all surplus funds in the State treasury, over and above what is absolutely necessary to be retained therein for the payment of current expenses and appropriations, should be applied as rapidly as possible by the State Treasurer, in payment of the interest-bearing bonds of the State, without being restricted to the payment of any particular class of bonds, but being authorized to pay and redeem any of the interest-bearing bonds of the State, that he can procure to the best advantage, at a rate not exceeding their par value, which he has not heretofore been fully authorized by law to do ;

And whereas, None of said bonds become due prior to January first, eighteen hundred and seventy-three, and none are redeemable at the pleasure of the State, except the war-loan bonds, of which there are now outstanding, drawing interest, the amount of eight hundred and ninety-six thousand five hundred dollars, which, according to their terms as expressed in the bonds, are payable on the first day of January, eighteen hundred and eighty-six, or at any time prior thereto that the State of Michigan may choose ;

And whereas, While the experience of the past year has demonstrated that the bonds of this State, other than the war-loan bonds, cannot be purchased in any considerable quantities, except at a premium, fortunately for the State, these war-loan bonds, by their optional provision, afford an opportunity by their redemption to largely reduce the State indebtedness, and save annually a large

An Act to provide for the expenses of the trial of persons holding, or who have held, State offices, for malfeasance in office.

[Approved March 15, 1861. Laws of 1861, p. 470.]

Expenses, how paid.

(376.) SECTION 1. *The People of the State of Michigan enact,* That the expenses of all prosecutions against persons holding, or who may have held, any State office under the Constitution of the State, for malfeasance in office, shall be paid from the general fund, by the State Treasurer; and the Board of State Auditors are hereby authorized and empowered to allow all just and legal claims for such prosecutions; and this act shall be deemed to apply to the expenses of any prosecutions already commenced, as well as to any which may occur in the future.

An Act authorizing a war loan.

[Approved May 10, 1861. Laws of 1861, p. 605.]

Preamble.

Whereas, Our country has reached a crisis unprecedented in its past history, and treason and civil war are raging within its borders; *And whereas*, Attempts are made, in large sections of the country, to break up and destroy the government, and it has become necessary for the several States to look to their own safety, as well as the defense and perpetuity of the Union and government of the nation; therefore

Loan authorized

(377.) SECTION 1. That the Governor and State Treasurer be and they are hereby authorized and directed, in the name and behalf of the people of the State, for the purpose of organizing the volunteer militia, repelling invasion, suppressing insurrection, or defending the State in time of war, to negotiate and contract for a loan or loans for such sum or sums as may be necessary for the purposes herein specified, not exceeding one million two hundred and fifty thousand dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State, at any time within or at the expiration of twenty-five years from the first day of January, eighteen hundred and sixty-one, at a rate of interest not exceeding seven per centum per annum, payable semi-annually, on the first day of January and July in each year. Such loan shall be known as the "War loan of the State of Michigan," and the bonds issued under this act shall be exempt from taxation. The proceeds of said bonds shall be known as the war fund, and shall be paid out in no other manner, and for

When redeemable.

Bonds exempt from taxation.

no other purpose, than in this act specified. The Treasurer is hereby authorized to advance such an amount from said fund as may be necessary for the payment of the interest to become due January first, eighteen hundred and sixty-two, on the bonds issued under this act, until such time as the tax authorized for that purpose shall have been collected and paid into the Treasury.

Treasurer may advance for interest to become due Jan. 1, 1862.

(378.) SEC. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor or State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums not less than fifty dollars each, to be signed by the Governor, and countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. Both principal and interest of all bonds for a less sum than five hundred dollars each, shall be payable in the city of Detroit. The principal and interest of all bonds for the sum of five hundred dollars and over shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him become negotiable in such manner as the Governor and State Treasurer may deem proper.

Issue of bonds authorised.

Where payable.

(379.) SEC. 3. All moneys arising from the sale of the bonds by this act authorized to be issued, shall be paid into the Treasury of the State to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued upon proper vouchers of the paymaster of the volunteer militia, or Quartermaster General of the State, certified by the Governor, for the payment of any bounty or bounties that may be by law authorized to be paid, or for the relief of sick, disabled, and needy soldiers, as authorized by law, and for the purchase and distribution of all necessary military stores, whether of subsistence, clothing, pay, medicines, field and camp equipage, arms, munitions, and equipments for such companies of the volunteer militia of this State as may have been or shall be mustered into the service of the State or of the United States, under the provisions of any law of this State. Warrants may be issued by the Auditor General, upon proper vouchers, certified by the Governor, for advances made by John Owen, as trustee, for expenditure already made for the purposes herein specified. Under this act, the Governor may allow, on proper vouchers of command-

Moneys arising from the sale of bonds to be paid into the Treasury.

Warrants may issue for advances made by John Owen as trustee.

Expenses since April 16, 1861, to be allowed.

¹As amended by Act 109 of the Laws of 1863, p. 166, approved March 14, 1863.

ants of companies, approved and certified by the Military Board, such necessary and proper expenses as have been, in good faith, made since April sixteenth, eighteen hundred and sixty-one, under the direction of the Governor and Adjutant General, for the organization and subsistence of such companies as have been mustered into the service of the State, under any law of this State.¹

Accounts to be presented within three months.

(380.) SEC. 4. All claims and accounts accruing against the State, for expenses and disbursements authorized by this act, and which have already accrued, shall be presented within three months from the passage of this act; and all other claims shall be presented within three months of the accruing of the same, or the same shall be considered as donated to the State, and shall not thereafter be allowed under any pretense whatever.

Bonds to be numbered and registered.

(381.) SEC. 5. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, which register shall contain the number and amount of such bonds, the rate of interest thereon, and where payable. Whenever any such bond shall be paid, the same shall be instantly canceled by the Treasurer, or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose, and immediately after the record shall have been made, as aforesaid, the bonds so paid shall also be canceled, by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds thus canceled shall be filed in the office of the Auditor General.¹

Tax for payment of bonds.

(382.) SEC. 6. For the purpose of paying the bonds issued under this act, there shall be levied upon the taxable property of the State, in each year, commencing with the year eighteen hundred and sixty-one, a tax of one-sixteenth of one mill upon the dollar of all such property, in addition to all other taxes. The proceeds thereof shall constitute a sinking fund, and when collected shall be paid into the Treasury and set apart to be applied to the payment of the bonds authorized to be issued by this act.

Treasurer to make annual payment on bonds to the extent of money on hand.

(383.) SEC. 7. It shall be the duty of the State Treasurer, on or before the first day of October in each year, commencing with the year eighteen hundred and sixty-two, to use the money in the Treasury applicable to the payment of the bonds hereby authorized to be issued, for the payment of the said bonds in the manner fol-

¹ Vide note to section 1 of this act.

lowing, viz: The Treasurer shall cause numbers corresponding with the numbers of all bonds for a less sum than five hundred dollars each, to be placed in a box to be provided for that purpose, and shall, in the presence of the Governor and Auditor General, proceed to draw therefrom numbers of bonds equal in amount, as near as may be, to the money in the Treasury applicable to the payment of said bonds; whereupon the Treasurer shall, at least three months before the time of payment, cause the bonds corresponding to the numbers thus drawn to be advertised one week in two daily papers and for four weeks in the weekly editions of the same papers, in the city of Detroit, designating the time when and the place where said bonds shall be paid, and the interest cease upon the same; and whenever all such bonds, for sums less than five hundred dollars each, shall have been paid, the Treasurer shall proceed in like manner to draw for and pay all bonds for sums of five hundred dollars and over, advertising in like manner in one daily paper in each of the cities of New York and Detroit.

Time and place
of payment to
be advertised.

(384.) SEC. 8. The faith of the State is hereby pledged for the payment of principal and interest of the bonds which may be issued under the provisions of this act.

Faith of the
State pledged.

(385.) SEC. 9. The Board of State Auditors are hereby authorized and directed to audit and allow interest to July first, eighteen hundred and sixty-one, at the rate of seven per centum per annum, on the receipts for money advanced to John Owen, as trustee, to be expended under the direction of the executive or other authority of the State, for military purposes, and also to audit and allow all necessary expenses of the Governor and Treasurer in carrying out any of the provisions of this act; and for the interest and expenses so allowed the Auditor General shall issue warrants upon the war fund.

Interest on re-
ceipts for money
advanced to
John Owen as
trustee.

SEC. 10. This act shall take immediate effect.

An Act authorizing a war bounty loan.

[Approved February 5, 1864. Laws of 1864, p. 59.]

(386.) SECTION 1. *The People of the State of Michigan enact, That* the Governor and State Treasurer be and they are hereby authorized and directed, in the name and in behalf of the people of this State, whenever it shall become necessary for the purpose of paying a State bounty, authorized to be paid to volunteers in the military service of the United States by the provisions of any law of this State, to negotiate and contract for a loan or loans for such

Loan authorized

sum or sums as may be necessary for the purpose herein specified, not exceeding five hundred thousand dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State at any time within or at the expiration of twenty-five years from the first day of May, eighteen hundred and sixty-four, at a rate of interest not exceeding seven per centum per annum; payable semi-annually, on the first day of May and November, in each year. Such loan shall be known as the "War-bounty loan of the State of Michigan," and the bonds issued under the provisions of this act shall be exempt from taxation. The proceeds of said bonds shall be paid out in no other manner than is provided by law for paying a State bounty to volunteers mustered into the military service of the United States.

(387.) SEC. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor and State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums not less than five hundred dollars each, to be signed by the Governor and countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. The principal and interest of said bonds shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him shall become negotiable in such manner as the Governor and State Treasurer may deem proper.

(388.) SEC. 3. All moneys arising from the sale of the bonds by this act authorized to be issued shall be paid into the Treasury of the State, to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued upon proper vouchers or estimates of the Quartermaster General of the State, certified by the Governor, for the purpose of paying such State bounty as may be authorized by law.

(389.) SEC. 4. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, which register shall contain the number and amount of such bonds, the rate of interest thereon, and where payable. Whenever any bond shall be paid, the same shall be immediately canceled by the Treasurer, or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose; and immediately after the record shall have been made as aforesaid, the bonds so paid shall also be

canceled by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds thus canceled shall be filed in the office of the Auditor General.

(390.) SEC. 5. The faith of the State is hereby pledged for the payment of principal and interest of the bonds which may be issued under the provisions of this act. Faith of the State pledged.

SEC. 6. This act shall take immediate effect.

An Act authorizing a war-bounty loan.

[Approved March 2, 1865. Laws of 1865, p. 139.]

(391.) SECTION 1. *The People of the State of Michigan enact,* Loan authorized
That the Governor and State Treasurer be and they are hereby authorized and directed, in the name and in behalf of the people of this State, whenever it shall become necessary for the purpose of paying a State bounty, authorized to be paid to volunteers in the military service of the United States by the provisions of any law of this State, to negotiate and contract for a loan or loans, for such sum or sums as may be necessary for the purpose herein specified, not exceeding one million dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State at any time after the expiration of twenty-five years from and after May first, eighteen hundred and sixty-five, at a rate of interest not exceeding seven per centum per annum, payable semi-annually on the first day of May and November, respectively, in each year. Such loan shall be known as the "War-bounty loan of the State of Michigan." When redeemable. Rate of interest. Name of loan.

(392.) SEC. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor and State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums of one thousand dollars each, to be signed by the Governor and countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. The principal and interest of said bonds shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him shall become negotiable in such manner as the Governor and State Treasurer shall deem proper. The proceeds of such bonds shall be paid out in no other manner than is provided by law for paying a Issue of bonds authorized. How executed. Where payable. Proceeds, how expended.

Amount.	sum or sums as may be necessary for the purpose herein specified, not exceeding five hundred thousand dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable
When redeemable.	at the pleasure of the State at any time within or at the expiration of twenty-five years from the first day of May, eighteen hundred
Interest, rate of.	and sixty-four, at a rate of interest not exceeding seven per centum per annum, payable semi-annually, on the first day of May and
War-bounty loan. Exempt from taxation.	November, in each year. Such loan shall be known as the "War-bounty loan of the State of Michigan," and the bonds issued under the provisions of this act shall be exempt from taxation. The proceeds of said bonds shall be paid out in no other manner than is provided by law for paying a State bounty to volunteers mustered into the military service of the United States.
Issue of bonds authorized.	(387.) SEC. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor and State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums not less than five hundred dollars each, to be signed by the Governor and countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. The principal and interest of said bonds shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him shall become negotiable in such manner as the Governor and State Treasurer may deem proper.
How executed.	
When payable.	
How drawn.	
Moneys arising from the sale, how disposed of.	(388.) SEC. 3. All moneys arising from the sale of the bonds by this act authorized to be issued shall be paid into the Treasury of the State, to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued upon proper vouchers or estimates of the Quartermaster General of the State, certified by the Governor, for the purpose of paying such State bounty as may be authorized by law.
Bonds to be numbered and registered.	(389.) SEC. 4. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, which register shall contain the number and amount of such bonds, the rate of interest thereon, and where payable. Whenever any bond shall be paid, the same shall be immediately canceled by the Treasurer, or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose; and immediately after the record shall have been made as aforesaid, the bonds so paid shall also be
Bonds, when paid, to be canceled and recorded.	

canceled by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds thus canceled shall be filed in the office of the Auditor General.

(390.) SEC. 5. The faith of the State is hereby pledged for the Faith of the State pledged. payment of principal and interest of the bonds which may be issued under the provisions of this act.

SEC. 6. This act shall take immediate effect.

An Act authorizing a war-bounty loan.

[Approved March 2, 1865. Laws of 1865, p. 139.]

(391.) SECTION 1. *The People of the State of Michigan enact,* Loan authorized That the Governor and State Treasurer be and they are hereby authorized and directed, in the name and in behalf of the people of this State, whenever it shall become necessary for the purpose of paying a State bounty, authorized to be paid to volunteers in the military service of the United States by the provisions of any law of this State, to negotiate and contract for a loan or loans, for such sum or sums as may be necessary for the purpose herein specified, not exceeding one million dollars in all, on the most favorable When redeemable. terms that in their judgment can be obtained, redeemable at the pleasure of the State at any time after the expiration of twenty-five years from and after May first, eighteen hundred and sixty-five, at Rate of interest. a rate of interest not exceeding seven per centum per annum, payable semi-annually on the first day of May and November, respectively, in each year. Such loan shall be known as the "War-bounty Name of loan. loan of the State of Michigan."

(392.) SEC. 2. For the purpose of effecting the loan or loans by Issue of bonds authorized. this act authorized, the Governor and State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums of one thousand dollars each, to be signed by the Governor and How executed. countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. The principal and interest of said bonds Where payable. shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him shall become negotiable in such manner as the Governor and State Treasurer shall deem proper. The proceeds of such bonds shall be Proceeds, how expended. paid out in no other manner than is provided by law for paying a

State bounty to volunteers mustered into the military service of the United States.

Moneys arising from sale of, to be paid into State Treasury.

(393.) SEC. 3. All moneys arising from the sale of the bonds by this act authorized to be issued, shall be paid into the Treasury of the State, to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued by proper vouchers or estimates of the Quartermaster General of the State, certified by the Governor, for the purpose of paying such State bounty as may be authorized by law.

Bonds to be numbered and registered.

(394.) SEC. 4. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, and also in a book kept in the State Treasurer's office, which registers shall contain the number and amount of such bonds, the rate of interest thereon, and when payable.

Cancelment of paid-up bonds.

Whenever any bond shall be paid, the same shall be immediately canceled by the Treasurer, or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose; and immediately after the record shall have been made as aforesaid, the bonds so paid shall also be canceled by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds thus canceled shall be filed in the office of the Auditor General.

Record of.

Faith of State pledged.

(395.) SEC. 5. The faith of the State is hereby pledged for the payment of principal and interest of the bonds which may be issued under the provisions of this act.

SEC. 6. This act shall take immediate effect.

An Act to authorize a war-bounty loan.

[Approved March 21, 1865. Laws of 1865, p. 641.]

Loan authorized

(396.) SECTION 1. *The People of the State of Michigan enact,* That the Governor and State Treasurer be and they are hereby authorized and directed, in the name and in behalf of the people of this State, whenever it shall become necessary for the purpose of paying a State bounty, authorized to be paid to volunteers in the military service of the United States by the provisions of any law of this State, to negotiate and contract for a loan or loans, for such sum or sums as may be necessary for the purpose herein specified, not exceeding five hundred thousand dollars in all, on the most favorable terms that in their judgment can be obtained, redeemable at the pleasure of the State, at any time after the expi-

Amount.

ration of twenty-five years from and after May first, eighteen hundred and sixty-five, at a rate of interest not exceeding seven per centum per annum, payable semi-annually on the first day of May and November, respectively, in each year. Such loan shall be known as the "War-bounty loan of the State of Michigan."

Name of.

(397.) SEC. 2. For the purpose of effecting the loan or loans by this act authorized, the Governor and State Treasurer are hereby empowered and directed to cause to be issued bonds of the State of Michigan, from time to time, as they may deem necessary, in sums of one thousand dollars each, to be signed by the Governor and countersigned by the Secretary of State and State Treasurer, with the seal of the State affixed thereto, and with coupons for the interest thereto attached. The principal and interest of said bonds shall be payable in the city of New York. The bonds shall be drawn in favor of the Auditor General, and when endorsed by him shall become negotiable in such manner as the Governor and State Treasurer shall deem proper. The proceeds of such bonds shall be paid out in no other manner than is provided by law for paying a State bounty to volunteers mustered into the military service of the United States.

Issue of bonds authorized.

Where payable.
Proceeds of, how applied.

(398.) SEC. 3. All moneys arising from the sale of the bonds by this act authorized to be issued, shall be paid into the Treasury of the State, to the credit of the war fund, and shall be drawn therefrom upon the warrants of the Auditor General, which warrants may be issued by proper vouchers or estimates of the Quartermaster General of the State, certified by the Governor, for the purpose of paying such State bounty as may be authorized by law.

Moneys arising from sale of, to be paid into State Treasury.
How drawn therefrom.

(399.) SEC. 4. The bonds issued under this act shall be numbered and registered in a book provided for that purpose, and kept in the Auditor General's office, and also in a book kept in the State Treasurer's office, which registers shall contain the number and amount of such bonds, the rate of interest thereon, and when payable. Whenever any bond shall be paid, the same shall be immediately canceled by the Treasurer or other person paying the same, with a canceling hammer. The Auditor General shall also keep a full record of all the bonds taken up and paid, in a book provided for that purpose; and immediately after the record shall have been made as aforesaid, the bonds so paid shall also be canceled, by writing across the face of each, which cancelment shall be signed by the Auditor General and State Treasurer, and said bonds thus canceled shall be filed in the office of the Auditor General.

Bonds to be numbered and registered.

Cancelment of, when paid.

Record of.

Faith of the
State pledged.

(400.) SEC. 5. The faith of the State is hereby pledged for the payment of principal and interest of the bonds which may be issued under the provisions of this act.

Payment of
interest.

(401.) SEC. 6. If any part of the bonds herein provided for are issued previous to January first, in the year of our Lord eighteen hundred and sixty-seven, the State Treasurer is hereby authorized to pay the interest coupons maturing before or at that time, out of any money in the Treasury not otherwise appropriated, and charge the amount so paid to the war fund.

An Act authorizing a loan to pay those parts of the State indebtedness falling due before and on the first day of January, in the year of our Lord eighteen hundred and fifty-nine, and providing for a temporary loan, if necessary.

[Approved January 30, 1858. Laws of 1858, p. 17.]

Governor and
State Treasurer
to contract for
loans.

(402.) SECTION. 1. *The People of the State of Michigan enact,* That the Governor and State Treasurer are hereby authorized and directed, in the name and behalf of the people of this State, to negotiate and contract for a loan or loans, not exceeding in all two hundred and sixteen thousand dollars, redeemable at the pleasure of the State, at any time after the expiration of twenty years from and after the first day of July, in the year one thousand eight hundred and fifty-eight, on the best and most favorable terms and conditions that in their judgment can be obtained, at an interest not exceeding six (6) per centum per annum, payable half-yearly, to be expended and applied solely in taking up and canceling outstanding bonds issued pursuant to the provisions of an act entitled "An act to provide for the relief of the Detroit and Pontiac Railroad Company," approved on the fifth day of March, in the year of our Lord (1838) eighteen hundred and thirty-eight; outstanding bonds issued pursuant to the provisions of an act entitled "An act authorizing the building of the State Penitentiary," approved on the twenty-second day of March, in the year of our Lord eighteen hundred and thirty-eight; and outstanding bonds issued pursuant to the provisions of an act entitled "An act to authorize a loan of a certain sum of money to the University of Michigan," approved on the sixth day of April, in the year of our Lord (1838) eighteen hundred and thirty-eight.

When to be re-
deemable.

Rate of interest.

Funds, how to
be applied.

Certificates of
stocks or bonds.

(403.) SEC. 2. For the purpose of effecting the loan or loans aforesaid, the Governor and State Treasurer are hereby empowered and directed, after having first advertised for such loan in one of the daily papers in each of the cities of Detroit, Boston, and New

York, for at least thirty days prior to negotiating said loan, to cause to be made and issued certificates of stock or bonds, in sums Amount of each. of not less than one thousand dollars each, to be signed by the Governor and countersigned by the Secretary of State and State Treasurer, with the great seal of the State affixed thereto, which said certificates of stock or bonds shall be drawn in favor of the Auditor General, and being endorsed by him shall become trans- Are to be trans- ferable, and be delivered to the Governor and State Treasurer, and be transferable by them in such form as they shall decide, to be redeemable as aforesaid, and to bear interest as aforesaid, payable Interest, when and where paya- on the first days of July and January in each year, in the city of New York, or elsewhere in the United States, should the Governor and State Treasurer find it convenient and advantageous so to contract. And it is hereby further declared that it shall be deemed a sufficient execution of said power to borrow, that the Governor and State Treasurer have caused the said certificates of stock or bonds to be executed and sold: *Provided*, That said certificates of stock or bonds shall not be sold for less than their par value, and the money obtained from said loan or loans shall be paid over to the State Treasurer, to be applied for the purposes directed in this act. Proviso. Bonds, how sold

(404.) SEC. 3. The faith of the State is hereby pledged for the payment of any loan or loans that shall be made pursuant to the provisions of this act. Faith of the State pledged.

(405.) SEC. 4. All necessary contingent expenses incurred by the Governor and State Treasurer in carrying out the provisions of this act, shall be audited by the Board of State Auditors and paid out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the State Treasurer shall not sit as a member of said board, nor have a vote in auditing any claim or claims under this section. Expenses.

(406.) SEC. 5. The certificates of stock or bonds, the issue of which is authorized by this act, shall be numbered and registered in a proper book to be prepared and kept for that purpose by the Auditor General in his office; which register shall contain the number, amount, and when each certificate of stock or bond becomes due, the rate of interest, and when and where the interest is payable. And the Auditor General shall keep full minutes of the certificates of stock and bonds taken up and paid under the provisions of this act, in a book to be provided and kept by him in his office for that purpose, and immediately after said minutes shall have been taken as aforesaid, the same certificates and bond shall be canceled in writing across the face of each, which cancelments shall be signed Duties of Auditor General.

Cancelment, by whom signed. by the Secretary of State and State Treasurer, and said certificates and bonds thus canceled shall be filed in the office of the Secretary of State.

Temporary loan. (407.) SEC. 6. The Governor and State Treasurer are hereby authorized and directed, in the name of the people of the State of Michigan, to negotiate and contract for a temporary loan or loans; not exceeding in all fifty thousand dollars (should it become necessary to do so, to meet deficiencies in the revenue), upon the same terms and conditions as the loan or loans hereinbefore are authorized, redeemable at the pleasure of the State at any time after the expiration of two years from and after the first day of July next, at

When to be redeemable. an interest not exceeding seven per centum per annum, to meet deficiencies in the ordinary revenues of the State, should any exist; and all the provisions of the preceding sections of this act shall govern and control the proceedings under this section, so far as they are applicable and not inconsistent herewith: *Provided*, That

Rate of interest. the Governor and State Treasurer shall not be compelled to advertise for the loans authorized under this section.

Proviso. This act is ordered take immediate effect.

An Act to provide means for the redemption of the bonds of the State maturing January first, eighteen hundred and sixty-three.

[Approved March 11, 1861. *Laws of 1861, p. 163.*]

Loan authorized. (408.) SECTION 1. *The People of the State of Michigan enact*, That the Governor and State Treasurer be and they are hereby authorized and directed, in the name and behalf of the people of the State, to negotiate and contract for a loan of two millions of dollars, or such portion of the same as may be deemed necessary,

Interest on, when payable. at a rate of interest not to exceed six per cent per annum, payable semi-annually, on the first days of July and January, in the city of New York, except two hundred and fifty thousand dollars thereof, which shall bear seven per cent interest, payable at the time and place above stated; and the proceeds of said loan shall be applied solely to the payment of the indebtedness of the State, falling due January first, eighteen hundred and sixty-three.

Bonds to be issued. (409.) SEC. 2. For the purpose of effecting the loan or loans aforesaid, the Governor and State Treasurer shall be and they are hereby authorized and directed to cause to be made and issue certificates of stocks and bonds in the name of and in behalf of the people of the State, in sums of not less than one thousand dollars each, and to be signed by the Governor and payable to the order

How executed.

of the Auditor General, and to become negotiable when endorsed by him and countersigned by the Secretary of State, with the great seal of State impressed thereon, and with coupons for the interest attached, to be signed by the State Treasurer, and both principal and interest payable in the city of New York, as provided in the preceding section; and the faith of the State shall be and is hereby solemnly pledged for the punctual payment of the principal and interest of the loan or loans hereby authorized to be made, according to the terms of the said bonds and coupons.

(410.) SEC. 3. Seven hundred and fifty thousand dollars of such certificates of stock or bonds, bearing interest at the rate of six per cent, shall be redeemable at the pleasure of the State after twenty years from the first day of January, eighteen hundred and sixty-three; five hundred thousand dollars, bearing like interest, shall be redeemable at the pleasure of the State, after fifteen years from the first day of January, eighteen hundred and sixty-three; five hundred thousand dollars, bearing like interest, shall be redeemable at the pleasure of the State, after ten years from the same time; and two hundred and fifty thousand dollars, bearing interest at the rate of seven per cent, shall be redeemable at the pleasure of the State, after five years from the same period.

When bonds to be redeemable.

(411.) SEC. 4. There shall be assessed and levied upon the taxable property of this State, real and personal, in each year, commencing with the year eighteen hundred and sixty-two, a tax of one-eighth of one mill upon the dollar of all such property, in addition to all the other taxes of this State; and the proceeds thereof, whether included in the general estimates and levied with the general taxes, or otherwise, shall be by the State Treasurer set apart as a sinking fund, and credited to said fund, to be called the "Two-million loan sinking fund."

Sinking fund created.

(412.) SEC. 5. The amount of money so received and set apart shall be placed to the credit of said fund, on or before the first day of July in each year; and between the said first day of July and the first day of January next thereafter, it shall be the duty of the State Treasurer to use the whole amount thereof in purchasing the bonds hereby authorized to be issued, or in such other bonds of this State, as in his discretion he may find it most for the interests of the State to purchase: *Provided*, That the said money shall not be used in the purchase of two-million loan bonds, except those which may be first maturing after any of said fund shall come into the Treasury.¹

Moneys received to be placed to the credit of the fund.

Treasurer to purchase bonds.

Proviso.

¹ As amended by Act 809 of the Laws of 1865, p. 660, approved March 21, 1865.

School funds
applied to pur-
chase of bonds.

(413.) SEC. 6. All money which may be paid into the Treasury after January, eighteen hundred and sixty-three, to the credit of the primary school, Normal School, and University funds, shall be set apart and applied to the purchase of bonds issued under this act, or of the renewal-loan bonds, the temporary-loan bonds, or the war-loan bonds of this State.¹

Bids for bonds.

(414.) SEC. 7. It shall be competent and lawful for the Governor and State Treasurer, if in their judgment it shall be deemed expedient, to invite sealed proposals or bids for the purchase of such bonds, payable in cash or in the bonds of this State, to be redeemed by the loan provided for herein, in the city of New York, at such place as they may designate, on or before the first day of December, eighteen hundred and sixty-two, at which place, also, the new bonds, for which said bids shall be made, shall be deliverable on such payment, which said invitation shall be by notices published in one or more of the principal papers in the city of New York, and at their discretion elsewhere: *Provided*, That no proposal or bid for the purchase of said bonds at less than par value shall be accepted.

Notice of.

Proviso.

Bonds to be
numbered and
registered.

(415.) SEC. 8. The bonds authorized to be issued under this act shall be numbered and registered in a book provided for that purpose by the Auditor General, and kept in his office. The Auditor General shall also keep a full record of all the bonds taken up under the provisions of this act, and said record shall be filed in the office of the Treasurer and Secretary of State, and all said bonds shall be immediately canceled.

Record of bonds
taken up.

Exchange of
bonds authorized

(416.) SEC. 9. If at any time before the final sale of said bonds, it shall become practicable, in their judgment, the Governor and Treasurer shall be and they are hereby authorized to make and enter into arrangements or agreements with any party or parties holding any of the bonds of the State, maturing in eighteen hundred and sixty-three, to exchange the said outstanding bonds for those herein provided for, upon such terms as they may deem best; and in that case they shall have the power, and they are hereby authorized, to the extent of such exchange, to prepare and cause to be executed, in the manner herein provided, the bonds of the State, and deliver them in exchange for such outstanding bonds as parties may desire to exchange therefor; and in that case the said bonds may bear date at the time when issued, but with interest payable at the times herein stated, and the principal sums to fall due at the several periods above stated.

¹ As amended by Act 184 of the Laws of 1863, p. 195, approved March 18, 1863.

(417.) SEC. 10. There shall be and is hereby appropriated out of Appropriation for expenses. the general fund, such an amount as may be necessary to pay the expenses of preparing such bonds and of the said negotiations.

An Act to fix the salaries of certain deputy State Officers and clerks.¹

[Approved March 27, 1867. Laws of 1867, p. 162.]

(418.) SECTION 1. *The People of the State of Michigan enact,* Salaries of deputies. That the Deputy Secretary of State shall receive an annual salary of one thousand dollars; that the Deputy State Treasurer shall receive an annual salary of fourteen hundred dollars; that the Deputy Auditor General shall receive an annual salary of twelve hundred dollars; that the Deputy Commissioner of the State Land Office shall receive an annual salary of one thousand dollars; that the Deputy Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; that the book-keeper of the Book-keepers. State Treasurer's office, the book-keeper of the State Land office, and the book-keeper of the Auditor General's office, shall respectively receive an annual salary of one thousand dollars; that the Regular clerks. four regular clerks of the Auditor General shall each receive an annual salary of one thousand dollars; that each of the other Other clerks. clerks of the Auditor General shall receive an annual salary not exceeding nine hundred dollars; and that such other clerks as may be necessarily employed in the office of the State Treasurer, Secretary of State, Commissioner of the State Land Office, and of the Superintendent of Public Instruction, shall each receive an annual salary not exceeding nine hundred dollars; all of which Paid monthly or quarterly. said salaries shall be payable monthly or quarter-yearly; and there shall be made no further or other compensation, pay, or allowance to any or either of the deputies or clerks named in this section, than such as is herein provided, for any services rendered by them respectively.

(419.) SEC. 2. That all acts and parts of acts contravening or Act repealed. conflicting with the provisions of this act are hereby repealed.

SEC. 3. This act shall take immediate effect.

An Act to provide for the payment of the salaries of the State officers.

[Approved April 17, 1871. Laws of 1871, p. 235.]

(420.) SECTION 1. *The People of the State of Michigan enact,* Appropriation. That there be and the same is hereby appropriated out of any

¹ This act probably superseded by the following act, though not directly repealed.

Salaries.	moneys in the Treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and seventy-one, and each year thereafter: For the Governor, one thousand dollars;
Governor.	
Justices of Supreme Court, judges, etc.	for the salaries of the Justices of the Supreme Court, two thousand five hundred dollars each; for the salaries of the judges of the circuit courts, and the judge of the recorder's court of the city of Detroit, fifteen hundred dollars each; for the salaries of the
State officers.	Auditor General, State Treasurer, Secretary of the Board of Agriculture, and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State, and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, eight hundred dollars; for the salaries of the Deputy State Treasurer, and the Deputy Auditor General, fifteen hundred dollars each; for the salaries of the Deputy Secretary of State, and the Deputy Commissioner of the State Land Office, fourteen hundred dollars each; for the salary of the Deputy Superintendent of Public Instruction, thirteen hundred dollars; for the salary of the private secretary of the Governor, eight hundred dollars; for the salaries
Deputies.	of the book-keeper and the draughtsman of the Land Office, the book-keeper of the State Treasurer's office, and the book-keeper of the Auditor General's office, one thousand dollars each; for the salary of the clerk of the Attorney General, one thousand dollars; for the salaries of the four regular clerks of the Auditor General, and one regular clerk of the Secretary of State, and one regular clerk of the Commissioner of the State Land Office, one thousand dollars each; for the salaries of all other clerks of the Auditor General, a sum not exceeding one thousand dollars each; for the salaries of such additional clerks in the State Land Office, State Treasurer's office, office of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding at the rate of one thousand dollars each, per annum, for the time employed; for the payment of the Compiler of the Legislative Manual of eighteen hundred and seventy-one, two hundred dollars, which shall be the only sum paid him, and shall be in lieu of all other compensation for his services.
Book-keepers.	
Clerks.	
Compiler of Manual.	
No other compensation to deputies and clerks.	(421.) SEC. 2. There shall be made no other or further compensation, pay, or allowance to any or either of the deputies or clerks named in section one of this act, than those therein provided, for any services rendered by them, respectively, as such deputies or clerks, or in any other capacity; and the State Treasurer, the

Auditor General, Secretary of State, and the Commissioner of the State Land Office shall each make, or cause to be made, on proper application, and without unnecessary delay, all such searches, maps, drawings, plats, abstracts, statements, and certificates as may be reasonably called for by any person or persons, and shall charge, or cause to be charged to, and collected from the applicant, all such fees for the same as shall be proper and compensatory; and all such fees shall be promptly paid into the State Treasury, together with all fees for notarial services and attestations performed or executed by any officer named in this section, or by his deputies, clerks, or employes; nor shall any money be drawn from the State Treasury by any officer named in this bill, or by his deputies, clerks, or employes, in payment for any notarial services or attestations performed or executed by them.

Fees to be paid
into State Treas-
ury.

An Act to provide for paying publishers of newspapers for publishing the general laws of the State.

[Approved January 24, 1871. Laws of 1871, p. 4.]

(422.) SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer be and he is hereby required to pay, on the warrant of the Auditor General, fifteen dollars to every publisher of a newspaper in this State, who has heretofore or may hereafter publish all the general laws passed at any session of the Legislature, on satisfactory proof to the Auditor General of such publication, as authorized by the Constitution.

General laws,
payment for
publishing pro-
vided for.

SEC. 2. This act shall take immediate effect.

An Act to prevent officers and clerks in the State Land Office and Auditor General's office from purchasing lands while in the employ of the State.

[Approved March 16, 1861. Laws of 1861, p. 552.]

(423.) SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for any officer or clerk employed in the State Land Office, or in the office of the Auditor General of this State, during the term of his service, or within three months after the discontinuance of such service, to purchase, either directly or indirectly, from the State, at either of said offices, any lands for sale at said offices, or either of them.

Certain persons
prohibited from
purchasing
lands.

(424.) SEC. 2. Any purchases made in violation of the first section of this act shall be void.

Purchases to be
void.

An Act to provide for giving notice to county treasurers of lists of railroad-grant lands which have become taxable.

[Approved April 15, 1871. Laws of 1871, p. 235.]

Copy of certificate of completion filed with Auditor General

(425.) SECTION 1. *The People of the State of Michigan enact,* That whenever the Governor shall certify to the Secretary of the Interior that any twenty continuous miles of road have been completed as provided for in act of Congress approved June third, eighteen hundred and fifty-six, granting lands to the State of Michigan for railroad purposes, he shall also deposit in the office of the Auditor General a copy of said certificate.

Auditor General to send list of taxable lands to treasurers.

(426.) SEC. 2. The Auditor General shall, as soon as said lands become taxable, forward to the treasurer of each of the counties in which any of such lands are situated, a description of the lands [so] taxable, situated in that county.

CHAPTER VIII.

COMMISSIONERS OF DEEDS IN OTHER STATES.

An Act to authorize the appointment of commissioners to take acknowledgment of deeds and instruments of writing under seal out of the State.¹

[Approved March 19, 1845. Took effect April 18, 1845. Laws of 1845, p. 59.]

Commissioners of deeds; Governor to appoint

(427.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Governor be hereby authorized to appoint and commission one or more commissioners in each or such of the other States and Territories of the United States or in the District of Columbia, as he may deem expedient, which commissioners shall continue in office for the period of five years, unless sooner removed by the Governor, and

Term of office.

¹ This act was repealed by chapter one hundred and seventy-three of the Revised Statutes of 1846, but revived and continued in force by the act next following.

shall have authority to take acknowledgment and proof of the execution of any deed, mortgage, or other conveyance of any land, tenements, or hereditaments lying and being in this State, any contract, letter of attorney, or any other writing under seal, to be used and recorded in this State. And such acknowledgment or proof, taken or made in the manner directed by the laws of this State, and certified by any one of said commissioners before whom the same shall be taken or made, under his seal, which certificate shall be attached to or endorsed on said deed or instrument aforesaid, shall have the same force and effect, and be as good and valid in law for all purposes, as if the same had been taken or made before any officer authorized to take such acknowledgment residing in this State: *Provided however*, That in all cases, and before the appointment is made and commission issued, the person desirous of such appointment shall present to the Governor a written application therefor, with proper recommendation for such office of the Governor of his State or of a judge of a court of record in the county where such applicant resides, or other satisfactory evidence of his fitness for the office desired, and shall pay into the State Treasury the sum of three dollars, to be placed to the credit of the general fund: *And provided further*, That the commissions of all persons already appointed as commissioners of deeds for this State shall expire at the expiration of five years from the date of the approval of this act, notice of which shall be given to each of said commissioners by the Secretary of State. ¹

Powers and duties of.

Effect of certificate of.

Proviso.

Further proviso. Old commissions; when term expires.

(428.) SEC. 2. Every commissioner appointed by virtue of this act shall have full power and authority to administer an oath or affirmation to any person who shall be willing and desirous to make such oath or affirmation before him, and such affidavit or affirmation made before such commissioner shall, and is hereby declared to be as good and effectual, to all intents and purposes, as if taken by any officer authorized to administer oaths, resident in this State: *Provided*, That willful and false swearing in taking any such oath or affirmation, would by the laws of the State wherein the same shall be made, be deemed perjury.

Authority of.

(429.) SEC. 3. Every commissioner appointed as aforesaid, before he shall proceed to perform any duty under and by virtue of this law, shall take and subscribe an oath or affirmation before a justice of the peace, in the city or county in which such commissioner shall reside, well and faithfully to execute and perform all the

Official oath.

¹ As amended by Act 18, of 1871. Laws of 1871, p. 16. Immediate effect.

duties of such commissioner, under and by virtue of the laws of this State; which oath or affirmation shall be filed in the office of the Secretary of State of this State.

An Act to continue in force "An act to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal out of the State."

[Approved March 15, 1847. *Laws of 1847, p. 57.*]

Act for appointment of, continued.

(430.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "An act to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal out of the State," approved March nineteenth, one thousand eight hundred and forty-five, be and the same is hereby revived and continued in full force and effect, any law to the contrary notwithstanding; and the several commissions issued under said law be revived and continued in force, and the official acts of such commissioners shall be as good and valid as if the act aforesaid had not been repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER IX.

COUNTIES.

Chapter thirteen of Revised Statutes of 1846.

Boundaries of counties.

(431.) SECTION 1. The boundaries of the several counties in this State shall remain as now established, unless the same shall hereafter be changed by the Legislature.

Rights, powers, etc., of counties.

(432.) SEC. 2. All the rights, powers, duties, privileges, and immunities of the several counties shall remain as now established, until the same shall be altered by law.

(433.) SEC. 3. Each organized county shall be a body politic and corporate, for the following purposes, that is to say: to sue and be sued; to purchase and hold real and personal estate for the use of the county; to borrow money for the purpose of erecting and repairing county buildings, and for the building of bridges; to make all necessary contracts, and to do all other necessary acts in relation to the property and concerns of the county.

For what purposes counties bodies corporate

(434.) SEC. 4. All real and personal estate, heretofore conveyed by any form of conveyance to the inhabitants of any county, or to the county treasurer, or the Governor of the late Territory of Michigan, or to any committee, trustees, or other persons, for the use and benefit of such county, shall be deemed to be the property of such county; and all such conveyances shall have the same force and effect as if they had been made to the inhabitants of such counties by their respective corporate names.

Conveyances for the benefit of counties, their force and effect.

(435.) SEC. 5. The board of supervisors of each county, or other public officers having the charge and management of the county lands, may, by their order of record, appoint one or more agents to sell any real estate of their county not donated for any special purpose; and all deeds made on behalf of such county, by such agents, under their proper hands and seals, and duly acknowledged by them, shall be sufficient to convey all the right, title, interest, and estate which the county may then have in and to the land so conveyed.

How real estate of county may be conveyed.

COMMON JURISDICTION OF CERTAIN COUNTIES.

(436.) SEC. 6. The counties of Wayne and Monroe shall have jurisdiction, in common, of all offenses committed on that part of Lake Erie which lies within the limits of this State; and such offenses may be heard and tried in either of said counties in which legal process against the offender shall be first issued, and in like manner, and to the same effect, as if such offense had been committed in any other part of either of said counties.

Common jurisdiction of Wayne and Monroe.

(437.) SEC. 7. All civil process from either of the counties of Wayne or Monroe may run into and be executed within and upon that part of Lake Erie which lies within the limits of this State.

Civil process from.

(438.) SEC. 8. The counties of Wayne, Macomb, and St. Clair shall have jurisdiction, in common, of all offenses committed on that part of Lake St. Clair which lies within the limits of this State; and such offenses may be heard and tried in either of said

Common jurisdiction of Wayne, Macomb, and St. Clair.

counties in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offense had been committed in any part of either of said counties.

Civil process
from.

(439.) SEC. 9. All civil process from either of the counties of Wayne, Macomb, or St. Clair, may run into and be executed within and upon that part of Lake St. Clair which lies within the limits of this State.

Common juris-
diction of Ber-
rien, Van Buren,
Allegan, Ottawa,
and Mackinaw.

(440.) SEC. 10. The counties of Berrien, Van Buren, Allegan, Ottawa, and Mackinaw, and such other counties as shall hereafter be organized upon the easterly shore of Lake Michigan, shall have jurisdiction, in common, of all offenses committed on that part of Lake Michigan which lies within the limits of this State; and such offenses may be heard and tried in either of said counties, in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offense had been committed in any part of either of said counties.

1841, p. 14, Sec.
1.

Civil process
from.

(441.) SEC. 11. All civil process from either of the counties of Berrien, Van Buren, Allegan, Ottawa, or Mackinaw, or from any such other counties as shall hereafter be organized upon the easterly shore of Lake Michigan, may run into and be executed within and upon that part of Lake Michigan which lies within the limits of this State.

1841, p. 14, Sec.
2.

Common juris-
diction of Sagi-
naw, Mackinaw,
and St. Clair.

(442.) SEC. 12. The counties of Saginaw, Mackinaw, and St. Clair, and such other counties as may hereafter be organized upon the shore of Lake Huron, shall have jurisdiction, in common, of all offenses committed on that part of Lake Huron which lies within the limits of this State; and such offenses may be heard and tried in either of said counties in which legal process against the offender shall be first issued, in like manner, and to the same effect, as if the offense had been committed in any part of either of said counties.

Civil process
from.

(443.) SEC. 13. All civil process from either of the counties of Saginaw, Mackinaw, or St. Clair, or from such other counties as may hereafter be organized upon the shore of Lake Huron, may run into and be executed within and upon that part of Lake Huron which lies within the limits of this State.

Chippewa, etc.

(444.) SEC. 14. The county of Chippewa, and such other counties as may hereafter be organized upon the shore of Lake Superior, shall have jurisdiction, in common, of all offenses committed on that part of Lake Superior which lies within the limits of this State; and such offenses may be heard and tried in either of such counties in which legal process against the offender shall be first

issued, in like manner and to the same effect as if the offense had been committed in any part of either of said counties.

(445.) SEC. 15. All civil process from the county of Chippewa, Civil process from. or from such other counties as may hereafter be organized upon the shore of Lake Superior, may run into and be executed within and upon that part of Lake Superior which lies within the limits of this State.

COUNTY BUILDINGS.

(446.) SEC. 16. Each organized county shall, at its own proper expense, provide a suitable court-house, and a suitable and sufficient jail, and fire-proof offices, and all other necessary public buildings, and keep the same in good repair. Each county to provide suitable buildings.

(447.) SEC. 17. The prison limits of each county shall extend to all places within the boundaries of the county. Prison limits.

(448.) SEC. 18. In case of the escape of any prisoner, by reason of the insufficiency of the jail, whereby the sheriff, or other officer performing the duties of sheriff, shall be made liable to any party at whose suit such prisoner was committed, the county shall reimburse and pay all sums of money recovered of the sheriff or such other officer by such party, by reason of such escape. When county shall reimburse; sheriff, etc.

UNORGANIZED COUNTIES.

(449.) SEC. 19. Unorganized counties and other districts annexed or hereafter to be annexed to any organized county for judicial purposes shall, for every purpose, be deemed to be within the limits of the county to which they are or may be so annexed. Certain districts annexed, to be deemed part of county.

An Act to regulate the manner of attaching unorganized territory to organized counties, for judicial and municipal purposes.

[Approved March 15, 1861. Laws of 1861, p. 295.]

(450.) SECTION 1. *The People of the State of Michigan enact,* That in all cases where any unorganized county has been or may be hereafter attached to any organized county of this State, for judicial or municipal purposes, the same shall be deemed to be and hereby is attached to the county town of such organized county, or to the township in which the county seat may be located, unless the board of supervisors of such county shall otherwise direct: *Provided,* That whenever it shall appear to the board of supervisors of such organized county, by petition or otherwise, that such attached territory shall contain at least twelve resident legal Unorganized county attached to organized county deemed attached to county town. When township to be organized therefrom.

voters, it shall be the duty of said board to set off and organize the attached territory into a separate township, and such township, so formed and set off, shall continue to be attached to such organized county for the same purpose as before the same was thus organized: *And provided further*, That all taxes levied in said unorganized county, so attached, for other than for State or county purposes, shall be expended within the limits of such unorganized territory.

Tax, where expended.

DIVISION OF COUNTIES, ETC.

(451.) SEC. 20. When a county seized of lands shall be divided into two or more counties, or shall be altered in its limits, by annexing a part of its territory to any other county or counties, each county shall become seized to its own use, of such part of said lands as shall be included within its limits, as settled by such division or alteration.

Lands of counties on division.

(452.) SEC. 21. When a county possessed of or entitled to money, rights, credits, things in action, or personal property, shall be so divided or altered, or when any unorganized county or district annexed to any county for judicial purposes shall be organized into a separate county, such money, rights, credits, things in action, or personal property, shall be adjusted and apportioned, and a settlement thereof made between the counties interested therein by the supervisors thereof, as to them or a majority of them shall appear to be just and equitable.

Property, how apportioned on division.

(453.) SEC. 22. The supervisors aforesaid shall meet for the purpose of such settlement, at such time as shall be prescribed by the law making such division or alteration; or if no time is prescribed by such law, at such time as the board of supervisors of either of the counties interested shall appoint, at the office of the treasurer of the county retaining the original name of the county so divided or altered.

Supervisors to meet for settlement.

(454.) SEC. 23. Debts owing by a county so divided or altered, shall be apportioned in the manner prescribed in section twenty-one of this chapter, and each county shall thereafter be charged therewith, according to such equitable apportionment.

Debts to be apportioned.

(455.) SEC. 24. In case of the division or alteration of a county as aforesaid, if the supervisors cannot agree upon a settlement, as provided in this chapter, the supervisors of either of the counties interested may apply to the circuit court for any adjoining county, for the appointment of five judicious men residing within a county not interested, to be commissioners for the purpose of settling and determining the matters aforesaid between such counties; and

Commissioners to be appointed if supervisors cannot agree.

upon such application such circuit court shall appoint such commissioners for the purpose aforesaid.

(456.) SEC. 25. Such commissioners shall meet at such time as they may appoint, and after being duly sworn, faithfully and impartially to perform their duties as such commissioners, shall proceed to examine into the merits of the matters aforesaid, and shall make such determination in relation thereto as to them, or a majority of them, shall appear to be just and equitable; which determination shall be entered at length by the clerks of the respective counties so interested as aforesaid, upon the journals of the board of supervisors thereof, and shall be final and conclusive between such parties.

Commissioners to meet and make determination.

OF LEGAL PROCEEDINGS IN FAVOR OF AND AGAINST
COUNTIES.

(457.) SEC. 26. Whenever any controversy or cause of action shall exist between any of the counties of this State, or between any county and an individual or individuals, such proceedings shall be had either in law or equity, for the purpose of trying and finally settling such controversy, and the same shall be conducted in like manner, and the judgment or decree therein shall have the like effect, as in other suits or proceedings between individuals and corporations.

Suits between counties, etc.

(458.) SEC. 27. In all such suits and proceedings, the name in which the county shall sue or be sued shall be, "The board of supervisors of the county of [the name of the county]," except in cases where other county officers shall be authorized by law to sue in their name of office for the benefit of the county.¹

How counties to sue and be sued.

(459.) SEC. 28. In all legal proceedings¹ against the board of supervisors, the process shall be served on the chairman or clerk of the board. And whenever any suit or proceeding shall be commenced, it shall be the duty of such chairman or clerk to notify the prosecuting attorney thereof, and to lay before the board of supervisors, at their next meeting, all the information he may have in regard to such suit or proceeding.

Process in proceedings against counties, on whom to be served; duty of chairman, etc.

(460.) SEC. 29. On the trial of every action in which a county shall be interested, the electors and inhabitants of such county shall be competent witnesses and jurors.

Who competent witnesses and jurors.

(461.) SEC. 30. Any action in favor of a county which, if prosecuted by an individual, could be prosecuted before a justice of the

What actions may be prosecuted before a justice.

¹ See section one, article ten, of the Constitution, which provides that "All suits and proceedings by or against a county shall be in the name thereof."

peace, may be prosecuted by such county in like manner before any such justice.

Costs.

(462.) SEC. 31. In all suits and proceedings prosecuted by or against counties, or by or against county officers in their name of office, costs shall be recoverable as in like cases against individuals.

Proceedings to collect judgment against board of supervisors, etc.
8 Mich. 378.

(463.) SEC. 32. When judgment shall be recovered against the board of supervisors¹ or against any county officer in an action prosecuted by or against him in his name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected as other county charges, and, when so collected, shall be paid by the county treasurer to the person to whom the same shall have been adjudged, upon the delivery of a proper voucher therefor.

PREEMPTION OF LAND FOR SEAT OF JUSTICE.

An Act to enable the several counties of this State to locate by preemption certain Public Lands.

[Approved July 25, 1836. Laws of 1836, p. 64.]

Board of supervisors to appoint agent to preempt land for seat of justice.

(464.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of supervisors of each and every county in this State, now organized or hereafter to be organized, be and they are hereby authorized and required to appoint in writing, under their hands and seals, the county treasurer, or some other fit and proper person, to locate for the use of said county, one quarter section of land in accordance with an act of Congress passed May twenty-sixth, one thousand eight hundred and twenty-four, entitled "An act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated, the right of preemption to quarter sections of land for seats of justice within the same."

Appointment to be recorded.

(465.) SEC. 2. That it shall be the duty of the register of deeds in each and every county to record, without fee, the written appointment so made as aforesaid, whenever the same shall be for that purpose presented to him at his office, and that said written appointment, when so recorded as aforesaid, shall be a sufficient requisition upon the county treasurer for the person so appointed to demand and receive from the treasurer thereof a sum equal in

Treasurer to pay agent price of land.

¹ See note 1 of preceding page.

amount to the minimum price for which one quarter section of public lands of the United States are sold.

(466.) SEC. 3. The board of supervisors of each and every of said counties be, and they are hereby authorized to loan, on the credit of their county, the sum of two hundred dollars for the purchase of lands, agreeably to the provisions of the first section of this act. Board may loan money for the purchase.

CHAPTER X.

COUNTY OFFICERS.

BOARDS OF SUPERVISORS.

An Act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative, and legislative powers.

[Approved and took effect April 3, 1851. Laws of 1851, p. 231.]

(467.) SECTION 1. *The People of the State of Michigan enact,* Annual and special meetings 15 Mich. 146.
That the supervisors of the several townships and cities in each of the counties in this State, shall meet annually in their respective counties, for the transaction of business as a board of supervisors. They may also hold special meetings when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time as they may deem necessary. The annual meetings of the board of supervisors shall be held on the second Monday of October in each year, at the court-house in their respective counties, if there be one; and if there be none, then at some place at the county seat, if there be one; and if no county seat be established, then at such place in the county as the clerk of such county may appoint, of which such clerk shall give three weeks' public notice by publishing the same in some newspaper printed in said county, if any, and if none, then in the paper nearest thereto.

City supervisors. (468.) SEC. 2. The alderman of each ward of the city of Detroit having the shortest time to serve shall act as supervisor on the board of supervisors; the city of Monroe shall be entitled to one supervisor for each ward, who shall be the assessor thereof respectively, and the city of Grand Rapids shall be entitled to two supervisors.

Quorum of board (469.) SEC. 3. A majority of the supervisors of any county shall constitute a quorum for the transaction of the ordinary business of the county, and all questions which shall arise at their meetings shall be determined by the votes of a majority of the supervisors present, except upon the final passage or adoption of any measure or resolution, in which case a majority of all the members elect shall be necessary. They shall sit with open doors, and all persons

Proceedings at meetings.

may attend their meetings. They shall, at their first meeting after the annual township meeting in each year, choose one of their number as chairman, who shall preside at all meetings of the board during the year, if present, but in case of his absence from any meeting, the members present shall choose one of their number as temporary chairman. Every chairman shall have power to administer an oath to any person concerning any matter submitted to the board, or connected with the discharge of their duties, to issue subpoenas for witnesses, and to compel their attendance, in the same manner as courts of law.¹

Powers of chairman.

Clerk; his compensation and duties.

(470.) SEC. 4. The county clerk of each county, or in his absence, his deputy, shall be the clerk of the board of supervisors of such county, and shall be allowed for his services as such clerk, a reasonable compensation, to be fixed by the board, and to be paid by the county. It shall be the duty of such clerk:

First. To record all the proceedings of such board in a book provided for that purpose;

Second. To make regular entries of all their resolutions and decisions upon all questions;

Third. To record the vote of each supervisor on any question submitted to the board, if required by any member present;

Fourth. To preserve and file all accounts acted upon by the board;

Fifth. To certify, under the seal of the circuit court of his county, without charge, copies of any and all resolutions or decisions on any of the proceedings of such board, when required by such board, or any member thereof, or when required by any other person,

¹ As amended by Act 195 of Laws of 1863, p. 845.

upon payment of six cents per folio therefor; and such certificate shall be *prima facie* evidence of the matters therein set forth;

Sixth. To perform such other and further duties as such board may, by resolution, require.

(471.) SEC. 5. The books, records, and accounts of the board of supervisors shall be deposited with their clerk, and shall be open, without any charge, to the examination of all persons. It shall be the duty of the clerk to designate upon every account upon which any sum shall be audited and allowed by the board the amount so audited and allowed, and the charges for which the same was allowed.

Records to be kept by clerk.

(472.) SEC. 6. It shall be the duty of every such board of supervisors, as often as once in each year, to examine the accounts of the treasurer of their county, and to ascertain and enter upon their records a full statement of such account.

Board to examine treasurer's account.

(473.) SEC. 7. It shall be the duty of such board, as often as shall be necessary, to cause the court-house, jail, and public offices of their county to be duly repaired at the expense of such county; but the sums expended in such repairs shall not exceed five hundred dollars in any one year, unless authorized by a vote of the electors of such county, as hereinafter provided.

Repairs of public buildings.

(474.) SEC. 8. They shall also cause to be prepared within the jails of their respective counties, at the expense of such counties, so many cells for the reception of convicts as they may deem necessary.

Cells for convicts

(475.) SEC. 9. They shall cause to be made out and published yearly, immediately after their annual meeting, in at least one newspaper if there be one published in the county, if not, in some paper published nearest thereto, a report of the receipts and expenditures, which shall contain a statement of the names of each claimant, the amount claimed, and the amount allowed, of the year next preceding, the accounts allowed, and a full statement of the amounts of the treasurer's account on the last settlement, as on his balance-sheet or account current in making the settlement.

Annual report.

(476.) SEC. 10. A special meeting of the board of supervisors of any county shall be held only when requested by at least one-third of the supervisors of such county; which request shall be in writing, addressed to the county clerk, and specifying the time and place of such meeting; and upon the reception of such request, the clerk shall immediately give notice in writing to each of the supervisors, by causing the same to be delivered to such supervisors

Special meetings

personally, or by leaving the same at the place of residence of such supervisor, at least six days before the time of such meeting.

Powers of boards
of supervisors.

(477.) SEC. 11. The said several boards of supervisors shall have power, and they are hereby authorized, at any meeting thereof, lawfully held:

To buy real
estate.

First. To purchase for the use of the county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith;

Second. To purchase any real estate necessary for the site of any court-house, jail, clerk's office, or any other county buildings, in such county;

Third. To fix upon and determine the site [of any] such buildings, if not previously located;

Fourth. To authorize the sale or leasing of any real estate belonging to such county, and to prescribe the mode in which any conveyance thereof be executed;

To fix sites, etc.

Fifth. To remove, or designate a new site for any county buildings required to be at the county seats, when such removal shall not exceed the limits of the village or city at which the county seat is situated, as previously located;

Sixth. To cause to be erected the necessary buildings for poor-houses, jails, clerks' offices, and other county buildings, and to prescribe the time and manner of erecting the same;

Seventh. To borrow or raise by tax upon such county any sums of money necessary for any of the purposes mentioned in this act:

Proviso.

Provided, That no greater sum than one thousand dollars shall be borrowed or raised by tax in any one year for the purpose of constructing or repairing public buildings, highways, or bridges, unless authorized by a majority of the electors of such county voting therefor as hereinafter provided;

Pay loan by tax.

Eighth. To provide for the payment of any loan made by them, by tax upon such county, which shall in all cases be within fifteen years from the date of such loan;

Compensation.

Ninth. To prescribe and fix the compensation for all services rendered for, and adjust all claims against their respective counties, and the sums so fixed and defined shall be subject to no appeal;

Expenses, how
paid.

Tenth. To direct and provide for the raising of any money which may be necessary to defray the current expenses and charges of said county, and the necessary charges incident to or arising from the execution of their lawful authority, subject to the limitations prescribed in this act;

Eleventh. To abolish or revive the distinctions between township and county poor; Collection of taxes.

Twelfth. Shall have power to authorize the making out a new tax roll; to extend and determine by resolution the time when each collector or township treasurer in their county shall make his return to the county treasurer, but such time shall in no case exceed two months from the time fixed by the general law, and where an extension is had, each collector or township treasurer shall be authorized to levy and collect all taxes as provided in the general laws for the levy and collection of taxes. But no collector or township treasurer shall receive the benefit of such extension until he shall have paid over to the county treasurer or other officer or person authorized to receive the same all moneys collected by him up to the first day of February, which may be due; and in all cases interest shall be charged on all taxes so extended from the time of such extension; Limit of time.

Thirteenth. To make such laws and regulations as they may deem necessary, and provide for enforcing the same, for the destruction of wild beasts, of thistles and other noxious weeds, within the several counties; Laws they can make.

Fourteenth. To require any county officer, whose salary or compensation is paid by the county, to make a report, under oath, to them on any subject or matters connected with the duties of his office, and to require such officer to give bonds, or further or additional bonds, as shall be reasonable or necessary, for the faithful performance of their respective duties; and any such officer who shall neglect or refuse to make any such report, or to give such bond within a reasonable time after being so required, may be removed from office by such board by a vote of two-thirds of the members elect, and the office declared vacant, and such board may fill such vacancy for the unexpired portion of the time for which such officer was elected or appointed: *Provided*, That if the spring or fall election shall occur before the expiration of the said unexpired term, if the office be an elective one, the vacancy shall be filled at such election, and it shall be the duty of such board to give reasonable notice of such election to fill the vacancy; Reports and bonds of county officers.

Fifteenth. To authorize any township or townships in their respective counties, by a vote of the electors of said township or townships, to borrow or raise by tax upon such township, any sum of money not exceeding one thousand dollars in any township in any one year, to build or repair any roads or bridges in such township or townships, or in the use of which such township or town- Refusal to furnish.
Removal.
Proviso.
To authorize township taxes.

Time to pay
loan.

Proportion of
contributions.

How collected.

To represent
certain counties.

To establish
certain rules.

When two-thirds
vote required.

Division of coun-
ty into Repre-
sentative dis-
tricts.

ships may be interested, and to prescribe the time for the payment of any such loan, which shall be within ten years, and for assessing the principal and interest thereof upon such township or townships; and if any road or bridge is situated partly in one township and partly in another, or on the line between townships, or in case any township have any particular local interest in the construction or repair of any bridge, such board of supervisors may determine, under such regulations as they may establish, the relative proportion which each township shall contribute in the building and repairing thereof, and the amount so apportioned to the several townships shall be assessed and collected in the same manner as other township taxes are now assessed and collected by law;

Sixteenth. To represent their respective counties, and to have the care and management of the property and business of the county in all cases where no other provision shall be made;

Seventeenth. To establish such rules and regulations in reference to the management of the interest and business concerns of such county, and in reference to the mode of proceeding before such board, as they shall deem necessary and proper, in all matters not especially provided for in this act or in some other law of this State.¹

(478.) SEC. 12. None of the powers mentioned in the third, fifth, sixth, eleventh, twelfth, thirteenth, fifteenth, and sixteenth subdivisions of the last preceding section, shall be exercised without a vote of two-thirds of all the members elected to such board.

(479.) SEC. 13. The said respective boards of supervisors, in each county entitled to more than one Representative in the State Legislature, shall have power, and it shall be their duty, at their annual meeting in the year eighteen hundred and fifty-one, and at their annual meeting next after each subsequent apportionment of such Representatives by the Legislature, to divide their respective counties into Representative districts, equal in number to the number of Representatives to which such county is entitled by law, in accordance with section three of article four of the Constitution of this State; and they shall cause to be filed in the office of the Secretary of State, and in the office of the clerk of such county, within thirty days after such division, a description of such Representative districts, specifying the number of each district and the population thereof, according to the last preceding enumeration.

¹ Section 11, as amended by Act 61 of Session Laws of 1867, p. 109, approved March 22, 1867.

(480.) SEC. 14. The board of supervisors of the several counties of this State shall have power, within their respective counties and all territory attached thereto, by a majority of all the members elected, to divide or alter in its bounds any township, or erect a new township, upon application to the board, as hereinafter provided, of at least twelve freeholders of each of the townships to be affected by the division, and upon being furnished with a map of all the townships to be affected by the division, showing the proposed alterations; and if the application shall be granted, a copy of said map, with a certified statement of the action of said board thereunto annexed, shall be filed in the office of the clerk of such county, and a certified statement of the action of said board shall also be filed in the office of the Secretary of State, and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next Legislature, after the filing thereof, in the same manner as other laws are published.¹

Power to make or alter township bound:

Conditions.

Certified statement filed with county clerk and Secretary of State.

To be published with laws.

(481.) SEC. 15. Notice in writing of such intended application, subscribed by not less than twelve freeholders of the township or townships to be affected, shall be posted in five of the most public places in each of the townships to be affected thereby, four weeks next previous to such application to the board of supervisors; and a copy of such notice shall also be published once in each week four successive weeks immediately preceding the meeting of the board of the supervisors at which such application is to be made, in some newspaper printed in the county, if any shall be published therein.²

Notice of application, how to be given.

(482.) SEC. 16. Whenever the board of supervisors shall erect a new township in any county, they shall designate the name thereof, the time and place of holding the first annual township meeting therein, and three electors of such township, whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting. And in case any of the three electors above mentioned shall refuse or neglect to serve, the electors of said township present at such meeting shall have power to substitute some other elector of such township for each one so neglecting or refusing to serve. Notice of the time and place of such meeting, signed by the chairman or clerk of the board of supervisors, shall be posted in four of the most public places in

Proceedings on organization of new townships.

¹ As amended by Act 46, of Session Laws of 1867, p. 66, approved March 13, 1867.

² As amended by the act of February 17, 1857, following. For a prior amendment, repealed by that act, see Laws of 1855, p. 108.

such new township, by the persons so designated to preside at such meeting, or by some person appointed by such board of supervisors for that purpose, and in each of the townships whose boundaries may have been altered by the erection of such new township, at least fourteen days before holding the same. They shall also fix the place for holding the first township meetings in the town or towns from which such new township shall be taken, which shall also be stated in the notice posted in such last named township; but nothing in this act shall affect the rights, or abridge or enlarge the term of office, of any justice of the peace or other town officers in any such township; but such justice of the peace or other township officer, residing within the limits of such new township, shall continue to be such justice or other officer in such new township, till the expiration of the time for which he was elected, in the same manner as if originally elected therein; and the terms of office of the supervisor, township clerk, commissioners of highways, township treasurer, school inspectors, constables, and overseers of highways, elected at such first township meeting, shall expire on the first Monday of April thereafter, or as soon thereafter as their successors are elected and qualified.

Removal of
county seat.
11 Mich. 68.

(483.) SEC. 17. Whenever a county seat is proposed to be removed, the board of supervisors for such county shall have power, by a vote of two-thirds of all the members elect, to designate a place to which such proposed removal is to be made, and after a majority of the electors of such county voting thereon shall have voted in favor of the proposed location, as hereinafter provided, to make and establish such county seat.

Propositions
submitted to
the people.
11 Mich. 68.

(484.) SEC. 18. Whenever such board shall have designated the place of such proposed removal, as provided in the next preceding section, they shall provide for submitting such proposition, at the time of holding the next annual township meeting, to the vote of the electors of such county, and they shall thereupon cause notice thereof to be posted up in three public places in each township, and in each ward of any city in the said county, at least thirty days previous to the time fixed for the submission aforesaid, and shall cause the same to be published in one newspaper printed in the county, if any, and if none there, in a paper published nearest to said county, for at least three successive weeks previous to the time of such submission and vote, setting forth that the place to which such proposed removal is to be made, naming the place which has been designated by two-thirds of such board of supervisors, and stating the day when such proposed removal will

Notice thereof.

Publication of.

be submitted to the electors of said county, in the several townships and cities, or wards of such county.¹

(485.) SEC. 19. At the time specified in such notice, a vote of the electors of such county shall be taken in each of the townships, wards, cities, or election districts in such county. The inspectors receiving the votes shall, in townships, be the same as required at township meetings, and in cities or wards the same as required at city or ward elections, respectively, and the votes shall be canvassed by the same officers, and in the same manner, as required at such township meetings, city or ward elections, respectively, and the result of such vote, and statement thereof, shall be made and certified by them, and transmitted to the county clerk of such county, within ten days after such vote shall be taken: *Provided*, That if such statement and result shall not be made, certified, or returned, as above provided, the board of supervisors may, at their first meeting after such vote shall have been taken, send for the same, and require the same to be certified and made, the same as the board of canvassers at general elections; and the board of supervisors, for the purpose of ascertaining the result of such vote in such county, shall examine such statements and certificates, and canvass the votes therein certified, and shall determine and declare the result of the vote in the county, and such result shall be entered upon their records; and in case the result shall be in favor of the proposed removal, they shall provide for such removal, together with all the records and papers of such county, within one year after such result shall be ascertained and determined as aforesaid by them, and shall remove the same as soon as suitable buildings shall have been provided for the reception thereof, and they shall enter upon their records the time when such removal shall be deemed to have taken place, and from and after that time the place so designated shall be and continue the county seat of said county for all purposes whatsoever. All voting, as provided in this section, in the several townships, cities, or wards, shall be by ballot, and the inspectors of election shall provide a separate box for the reception thereof, in each township and ward, and such vote shall be canvassed by said inspectors the same as other votes. Those voting in favor of such proposed removal shall have written or printed on their ballots, "For the removal of the county seat." Those voting against such proposed removal shall have written or printed upon their ballots, "Against

Manner of voting on propositions.

Canvass of votes

Proviso.

Provisions for removal.

Voting to be by ballot.

¹As amended by Act 82 of the Session Laws of 1863, p. 80, approved February 18, 1863.

Special elections the removal of the county seat." In cities or wards where an election would not otherwise be held on the day specified in the notices above provided for, a special election shall be held on the day so specified, for the purpose of submitting such question of removal to the electors thereof, in the same manner as at charter or ward elections, and the clerk of the inspectors of election of such cities or wards shall give the like notice of such election as is by law required for special elections.¹

Notice of.

Mode of submitting loan or tax to a vote of the people.

(486.) SEC. 20. Whenever it shall become necessary, under the provisions of this act, to submit to a vote of the electors of any county the question of raising any sum of money by loan or by tax, the said board, after having determined the sum necessary to be raised, whether the same shall be made by loan or by tax, shall proceed to give the notice of such determination and of the time when the question will be submitted to the electors of such county in the several townships; which notice shall be for the same length of time, and posted in the same manner, as required by the eighteenth section of this act; and the votes shall be taken, canvassed, certified, and returned in the same manner as required by the nineteenth section of this act, except that those voting for such tax or loan shall have written or printed on their ballots the words "For the tax," or "For the loan," as the case may be; and those voting against the tax or loan shall have written or printed on their ballots the words "Against the tax," or "Against the loan," as the case may be.

Powers of board with respect to streams.

(487.) SEC. 21. Every such board of supervisors shall have power, within their respective counties, to permit or prohibit the construction of any dam or bridge over or across any navigable stream. They shall also have power to provide for the removal of any obstruction arising from the erection of booms, or collecting of logs or rafts in such streams by any individual, and to direct the time in which, and places where, persons having logs, rafts, and boats in such streams shall be allowed to remain, and when the same shall be removed; and may impose such penalties as they deem necessary to enforce such regulations, and authorize the sheriffs, or their deputies, to carry into effect the regulations made under the provisions of this act.²

Powers with respect to dams and bridges.

(488.) SEC. 22. Whenever any person or persons or any incorpo-

¹ See preceding note.

² As amended by "An act to amend section twenty-one of 'An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative, and legislative powers,' approved April 8, 1851," approved June 21, 1851. Laws of 1851, p. 271.

ration shall wish to construct a dam across any such stream as is ¹⁸⁴⁴ mentioned in the preceding section, such person or persons or corporation shall present to the board of supervisors, or file with their clerk, to be presented to them at their next meeting, a petition praying for leave to construct such dam, and setting forth the purpose, location, height, and description of such dam, and whether it is proposed to construct a lock or shute or apron, and of what description, for the passage of boats, vessels, rafts, or timber; and before the same shall be heard and determined by such board, it shall be made to appear to the board that notice of such application, signed by the petitioners, and stating substantially the contents of such petition, has been posted up in three of the most public places in each township through which such stream runs, at least three weeks previous to the hearing of such application, and published in some newspaper printed in such county, if any published therein. And on such hearing, any person or persons shall be heard in favor of and in opposition to the prayer of the petition; and such board may adjourn such hearing to any other time or place, and they may grant or refuse the prayer of such petition. And the determination shall be entered at length upon the record of said board. And if such board shall allow the said dam to be constructed, the petitioners shall be at liberty to construct the same by complying fully with the terms and conditions set forth in their petition; and after having obtained such right and constructed such dam, such petitioners, their heirs, successors, or assigns may, if such dam be destroyed or decayed, construct a new dam, subject to all the same terms and conditions, on the same site, without again applying to such board: *Provided*, That nothing in this act contained shall be construed as giving to such board of supervisors any power to grant the right to any person or persons or corporation to flow or in any manner to take or injure the lands of any person or persons by or in consequence of constructing such dam.

(489.) SEC. 23. Whenever any person or persons, township officers, or corporation, shall wish to construct any bridge across any stream at a point where the same is navigable for boats or vessels of fifteen tons burden or more, they shall apply to the board of supervisors by petition, and shall give notice of the same in like manner, as near as may be, as provided in section twenty-two of this act; and the powers and the mode of proceeding of such board shall be the same, as near as may be, as provided in the last named section. Every such petition shall set forth the kind and

Powers with respect to dams and bridges.

description of the bridge proposed to be constructed, and whether the same is to be constructed with a draw, or whether any and what provision is to be made for the passage of vessels or boats ; and such board shall have the power to grant or refuse the prayer of such petition, upon such terms as they may deem just and reasonable, and to prescribe what description of bridge may be constructed, or to prohibit the construction of any bridge on the proposed location, as in their judgment the public interest shall require.

Powers with respect to dams and bridges.

(490.) SEC. 24. Every such board of supervisors shall have power to make general rules and regulations as to the kind of bridges, and the mode of constructing the same over any such stream, as mentioned in section twenty-one of this act, when such stream shall not be navigable for boats or vessels of fifteen tons burden, or to grant permission for building the same, without the notice or hearing above provided, in such manner as shall be judged proper with reference to the passage of boats, rafts, and timber.

Powers with respect to roads.
15 Mich. 847.

(491.) SEC. 25. That the board of supervisors of the several counties within this State are hereby authorized and empowered to cause to be laid out, established, altered, discontinued, or opened all State and Territorial roads heretofore or now laid out, or hereafter to be laid through or within their respective counties, whenever they may deem it for the interest of the public.

Ibid.
15 Mich. 847.

(492.) SEC. 26. Whenever the board of supervisors of any county are petitioned to by at least twelve freeholders of each of the townships through which any such road or roads may pass, they shall, upon such petition, authorize the commissioners of highways of such townships to cause the line of said road or roads, within their respective townships, to be surveyed and located therein, and such commissioners shall report such survey and location to the board of supervisors of their county ; and upon examination of said survey and report, said board may declare such road or roads duly laid out, established, discontinued, opened, or altered, as the case may be.

Ibid.
15 Mich. 847.

(493.) SEC. 27. Whenever said road or roads shall be surveyed, laid out, altered, or established under the provisions of this act, it shall be the duty of the board of supervisors to whom such petition and report may have been made as aforesaid, to notify and require the commissioners of highways of the several townships through which said road or roads may pass, to furnish to the several township clerks of such townships the minutes of all surveys within

their respective townships, and the same shall be recorded by said clerks in the same manner that township roads are recorded.

(494.) SEC. 28. Any person feeling himself aggrieved by the laying out, altering, discontinuing, or opening of any road or roads, may have his damages appraised, and obtain the same, in the same manner and under the restrictions made and provided relative to township roads. Damages on the laying out, etc., of roads.

(495.) SEC. 29. Every order, resolution, and determination of such board of supervisors, made in pursuance of this act, shall be recorded in the records of such board, and signed by the chairman and clerk of such board. Record of orders of board.

(496.) SEC. 30. Each member of such board of supervisors shall be allowed a compensation of three dollars per day for his services and expenses in attending the meetings of such board, and six cents a mile for each mile necessarily traveled in going to and returning from the place of such meeting, to be audited by the board and paid by the county; which said amount shall be in full for all services and expenses in attending the meeting of such board of supervisors; and any supervisor receiving further or other compensation for such services, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. Compensation of members.

(497.) SEC. 31. If any supervisor shall neglect or refuse to perform any of the duties which are or shall be required of him by law, as a member of the board of supervisors, without just cause therefor, he shall for each offense forfeit one hundred dollars. Forfeiture for neglect of duties.

(498.) SEC. 32. Nothing in this act contained shall abridge the powers or duties of any board of supervisors, which they now or hereafter may possess under any other law of this State, and which are not provided for in this act. Powers under other laws not abridged.

(499.) SEC. 33. All that part of chapter fourteen, title three, of the revised statutes of eighteen hundred and forty-six, from and including section one, to and including section twenty-six, is hereby repealed: *Provided*, That such repeal shall not affect any act done, or any right accruing or accrued. Chap. 14 of R. S. repealed.

SEC. 34. This act shall take effect immediately.

¹As amended by Act 44 of the Session Laws of 1869, p. 88, approved March 22, 1869. Immediate effect.

An Act to amend sections fourteen and fifteen of an act entitled "An act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative, and legislative powers," approved April eighth, eighteen hundred and fifty-one.

[Approved February 17, 1857. *Laws of 1857, p. 463.*]

SECTION 1, 2.¹

Certain act re-
pealed.
1855, p. 108.

(500.) SEC. 3. That act number fifty-nine, approved February tenth, eighteen hundred and fifty-five, of the session laws of eighteen hundred and fifty-five, be and the same is hereby repealed.

SEC. 4. This act shall take immediate effect.

An Act to authorize the board of supervisors of the several counties of this State to cancel and destroy orders that may have been drawn on any of the funds of the county, and remaining uncalled for and on file for the period of six years and upwards.

[Approved March 11, 1863. *Laws of 1863, p. 127.*]

Cancelment and
destruction of
orders author-
ized.

(501.) SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of the several counties of this State be and they are hereby authorized, at any regular meeting, to cancel and destroy all orders drawn on any of the funds of the county which may have remained uncalled for and on file for the period of six years and upwards.

Record thereof
to be kept.

(502.) SEC. 2. Said boards, before destroying any such orders, shall cause to be entered in the minutes of their proceedings, a brief description thereof, containing the name of the payee, the number, date, and amount of each order.

SEC. 3. This act shall take immediate effect.

COUNTY AUDITORS OF WAYNE COUNTY.

From chapter fourteen of Revised Statutes of 1846.

Board of county
auditors.

Annual election.

Election by
board of super-
visors.

(503.) SEC. 27. There shall continue to be a board of county auditors for the county of Wayne, composed of three persons, one of whom shall be elected annually, at the general election in said county, if such election be held, and if there be no such election held, then said auditor shall be elected by the board of supervisors of said county, as follows: Said election shall be by ballot, and shall be held at the hour of ten o'clock A. M., on the second day of the annual meeting of the board of supervisors in said county. Before proceeding to ballot, the board shall choose a

¹ Amend sections 14 and 15, as above given.

teller, whose duty shall be to receive the votes, and with the chairman and clerk shall be a board to canvass the same, and the person receiving the majority of said votes cast shall be deemed duly elected, and a certificate of said election, signed by the chairman and clerk of said board of supervisors, shall be forwarded by the clerk to the person so elected, within ten days after such election, and a duplicate of said certificate of said election, showing the number of votes given, and the persons for whom they were given, shall be deposited in the office of the clerk of said county of Wayne, within one week after said election. And each person so elected, Term of office. whether at general election or by the board of supervisors, shall hold his office for the term of three years and until his successor shall be elected and qualified; but no two of such auditors shall be residents of the same township or city.¹

(504.) SEC. 28. The annual meeting of the board of auditors shall be holden at the office of the county clerk on the first Monday of October in each year, and the auditor having the shortest portion of a regular term to serve shall be the chairman of the board; and such board shall have the power to adjourn from time to time, when necessary for the transaction of business; and may hold special meetings at such times and places as a majority of them may deem proper, public notice thereof being first given by the clerk of the board, by publishing the same in a newspaper printed in said county, at least ten days before the holding thereof. Meetings of board.

(505.) SEC. 29. The said board of auditors shall have and exercise all the powers and perform all the duties conferred or imposed upon the boards of supervisors of the several counties in this chapter, or by any other provisions of law, except those mentioned in the next succeeding section; and the board of supervisors of the county of Wayne shall not have or exercise any of the powers herein conferred upon said board of auditors. Powers and duties.

(506.) SEC. 30. The supervisors in the county of Wayne shall hold their annual meeting in each year, at the time and place appointed by law; and shall have and exercise all the powers conferred by law upon the supervisors of the several counties, in relation to the equalizing and correcting of the assessments in said county, apportioning the State and county taxes to be collected in the several townships, ascertaining and returning the aggregate valuation of real and personal property in the county, and all Powers and duties of board of supervisors for county of Wayne.

¹ As amended by "An act to provide for the election of county auditors in the county of Wayne," approved February 12, 1855. Laws of 1855, p. 152.

other matters connected with the assessment and collection of taxes within said county.

Auditors to report amount of tax necessary to be raised.

(507.) SEC. 31. The said board of county auditors shall, on or before the annual meeting of the board of supervisors in said county in each year, ascertain, and report to said board of supervisors, the amount of tax necessary to be raised therein for county purposes.

Appeal, how taken.

(508.) SEC. 32. Appeals may be taken from the determination of said board of auditors in the same cases, in the same manner, and with the like effect, as provided in relation to appeals from the determinations of boards of supervisors of the several counties.

See Const. Art. 10, Sec. 10.

Clerk of board of auditors; his duties.

(509.) SEC. 33. The county clerk of the county of Wayne shall be the clerk of said board of auditors, and shall perform the same duties, as clerk of such board, as the clerks of the several counties are required to perform as clerks of the board of supervisors therein.

Compensation of auditors.

(510.) SEC. 34. Each of said auditors shall be allowed for his services and expenses in attending the meetings of the board, at the rate of one dollar and fifty cents per day, and six cents per mile for traveling from his residence to the place of meeting; to be certified by the clerk and audited by the judges of the county court for the county of Wayne.

COUNTY TREASURER.

County treasurer elected for two years; to give bond.

(511.) SEC. 35. The county treasurer shall be elected at the general election, for the term of two years, and shall give a bond for the faithful and proper discharge of the duties of his office, as hereinafter directed.

Bond.

(512.) SEC. 36. The said bond shall be given to the board of supervisors of the county, with three or more sufficient sureties, to be approved of by the board of supervisors, and in such sum as they shall direct, conditioned that such person, and his deputy, and all persons employed in his office, shall faithfully and properly execute their respective duties and trusts, and that such treasurer shall pay, according to law, all moneys which shall come to his hands as treasurer, and will render a just and true account thereof whenever required by the board of supervisors, or by any provision of law, and that he will deliver over to his successor in office, or to any other person authorized by law to receive the same, all moneys, books, papers, and other things appertaining or belonging to said office: *Provided however*, That if the board of supervisors, in any case, has neglected or refused, or shall neglect or refuse, for the

By whom approved.
Conditions.

Proviso.

period of twenty days after the commencement of the term for which such treasurer was elected, to approve of the sufficiency of the sureties to such bond, or direct the sum in which the same shall be given, the circuit judge may, on application of the treasurer elect, approve of the sufficiency of the sureties of such bond, on being satisfied of their pecuniary responsibility to meet the exigency of such bond, and may direct the sum for which such bond shall be given, not however, in a less sum than that directed for his predecessor.¹

Circuit judge may approve bond in certain cases.

(513.) SEC. 37. The county treasurer may appoint a deputy, who, in the absence of the treasurer from his office, or in case of a vacancy in said office, or any disability of the treasurer to perform the duties of his office, may perform all the duties of the office of treasurer, until such vacancy be filled or such disability be removed.

Deputy.

(514.) SEC. 38. In case the office of county treasurer shall become vacant, or in case the treasurer, from any cause, shall be incapable of discharging the duties of his office, the board of supervisors may, if in their opinion the interests of the county require it, by writing under their hands, select a suitable person to perform the duties of the treasurer; and such person so selected, upon giving such bond for the faithful performance of the duties of the office as the said board shall direct, may perform such duties until such vacancy shall be filled or such disability be removed.

Office, how supplied in case of vacancy, etc.

(515.) SEC. 39. No person holding the office of prosecuting attorney, judge of a county court, county clerk, supervisor, or sheriff, shall hold the office of county treasurer.

Who not to be treasurer.

(516.) SEC. 40. It shall be the duty of the county treasurer to receive all moneys belonging to the county, from whatever source they may be derived; and all moneys received by him for the use of the county shall be paid by him only on the order of the board of supervisors, signed by their clerk and countersigned by their chairman, except when special provision for the payment thereof is or shall be otherwise made by law.

Treasurer to receive and pay moneys.

6 McLean, 446.

(517.) SEC. 41. At the annual meeting of the board of supervisors, or at such other time as they shall direct, the county treasurer shall exhibit to them all his books and accounts, and all vouchers relating to the same, to be audited and allowed.

To exhibit books etc., to supervisors.

(518.) SEC. 42. Upon the death, resignation, or removal from office of any county treasurer, all the books and papers belonging

Moneys, etc., to be delivered to successor.

¹As amended by Act 57 of Session Laws of 1859, p. 96. Took effect February 4, 1859.

to his office, and all moneys in his hands by virtue of his office, shall be delivered to his successor in office, upon the oath of the preceding county treasurer, or, in case of his death, upon the oath of his executors or administrators.

Compensation. (519.) SEC. 43. The county treasurer shall receive for his services such compensation as the board of supervisors shall deem reasonable, to be allowed and ordered by them.

Insurance of buildings of county. (520.) SEC. 44. When directed by the board of supervisors, the county treasurer shall cause to be insured any or all the public buildings belonging to the county, as said board shall direct, and the insurance thereon shall be taken in the name of the treasurer and his successors in office.

Treasurer to collect moneys in case of damage. (521.) SEC. 45. In case of the destruction of, or damage done to the buildings so insured, the treasurer shall have authority, and it shall be his duty, to demand and receive the moneys which shall be due on account of such insurance, and in case of neglect or refusal to pay the same, he shall sue for and collect such moneys in his name of office whenever directed by the board of supervisors, and pay the same into the county treasury, to be used in repairing or rebuilding such public buildings.

1840, p. 161, Sec. 1.

Bond, when to be put in suit. (522.) SEC. 46. Whenever the condition of the county treasurer's bond shall be forfeited, to the knowledge of the board of supervisors of the county, they shall cause such bond to be put in suit.

Moneys recovered on bond, how applied. (523.) SEC. 47. All moneys recovered in any such action shall be applied by the board of supervisors to the use of the county, or to such other use or uses as the same ought properly to be applied to.

To keep office at seat of justice. (524.) SEC. 48. The county treasurer shall keep his office at the seat of justice for the county.

SEC. 49, 50.¹

An Act relative to the duties of township and county officers, concerning receipts for moneys paid into the county treasury.

[Approved February 8, 1861. Laws of 1861, p. 24.]

Receipts filed with county clerk.

(525.) SECTION 1. *The People of the State of Michigan enact,* That in all cases where money is paid into the county treasury by any officer of a township or county, other than township treasurers, the said officer shall file with the clerk of the county a duplicate receipt of the same, which duplicate it shall be the duty of the county treasurer to furnish at the time of such payment; and said

¹ These sections related to the county judge.

clerk shall present the same to the board of supervisors of the county, or to the board of county auditors in Wayne county at the next meeting thereof. Presented to supervisors.

(526.) SEC. 2. It shall be the duty of each county clerk to keep a book, in which he shall enter the date of all such duplicate receipts, the name of the person making the payment, and of his office, the amount paid, and the account or fund on which the money had been collected; which book shall be open for the inspection of citizens of the county at all times during business hours. Clerk to keep record thereof.

JUDGE OF PROBATE.

(527.) SEC. 51. The judge of probate for each organized county shall be elected at the general election for the term of four years, and shall have possession of the seal, records, books, files, and papers belonging to the court of probate, and shall keep a record of all orders, decrees, and other official acts made or done by him, which record may be inspected by all persons interested, without charge. Judge of probate to be elected for four years; to have custody of probate records.

(528.) SEC. 52. The judge of probate shall hold his court at the seat of justice of the county, and he shall receive such compensation for his services as shall be allowed by law. To keep his office at seat of justice; compensation.

PROSECUTING ATTORNEY.

(529.) SEC. 53. The prosecuting attorneys shall, in their respective counties, appear for the State or county, and prosecute or defend in all the courts of the county, all prosecutions, suits, applications, and motions, whether civil or criminal, in which the State or county may be a party or interested. Prosecuting attorney to appear for State, etc. 8 Mich. Rep. 593.

(530.) SEC. 54. Each prosecuting attorney shall, when requested by any magistrate of the county, appear in behalf of the people of this State, before any such magistrate, other than those exercising the police jurisdiction of incorporated cities and villages, and prosecute all complaints made in behalf of the people of this State, of which such magistrate shall have jurisdiction. To attend before magistrates, etc.

(531.) SEC. 55. The prosecuting attorneys shall give opinions, in cases where the State or county may be a party or interested, when required by any civil officers, in the discharge of their respective official duties, relating to the interests of the State or county. To give opinions in certain cases.

(532.) SEC. 56. Each prosecuting attorney shall, on the thirty-first day of December, in each year, make and transmit to the Attorney General a report, setting forth particularly the amount Contents of reports to Attorney General.

to his office, and all moneys in his hands by virtue of his office, shall be delivered to his successor in office, upon the oath of the preceding county treasurer, or, in case of his death, upon the oath of his executors or administrators.

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To keep his office at seat of justice; compensation.

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Prosecuting attorney to appear for State, etc.

8 Mich. Rep. 593.

(530.) SEC. 54. Each prosecuting attorney shall, when requested by any magistrate of the county, appear in behalf of the people of this State, before any such magistrate, other than those exercising the police jurisdiction of incorporated cities and villages, and prosecute all complaints made in behalf of the people of this State, of which such magistrate shall have jurisdiction.

To attend before magistrates, etc.

(531.) SEC. 55. The prosecuting attorneys shall give opinions, in cases where the State or county may be a party or interested, when required by any civil officers, in the discharge of their respective official duties, relating to the interests of the State or county.

To give opinions in certain cases.

(532.) SEC. 56. Each prosecuting attorney shall, on the thirty-first day of December, in each year, make and transmit to the Attorney General a report, setting forth particularly the amount

Contents of reports to Attorney General.

and kind of official business done by him in his county in the preceding year, the number of persons prosecuted, the crimes and misdemeanors for which prosecutions were had, the result thereof, and the punishment awarded.¹

Penalty for neglect to make report.

(533.) SEC. 57. Each prosecuting attorney who shall neglect or refuse to make and transmit his annual report, as required by the preceding section, shall forfeit the sum of fifty dollars for each and every such neglect or refusal.

Not to receive fee from prosecutors, etc.

(534.) SEC. 58. No prosecuting attorney shall receive any fee or reward from or on behalf of any prosecutor, or other individual, for services in any prosecution or business to which it shall be his official duty to attend; nor be concerned as attorney or counsel for either party, other than for the State or county, in any civil action depending upon the same state of facts upon which any criminal prosecution, commenced or prosecuted, shall depend.

Compensation.

(535.) SEC. 59. The prosecuting attorneys shall severally receive such compensation for their services, as the board of supervisors of the proper county shall, by an annual salary or otherwise, from time to time, order and direct.

Courts may appoint in certain cases.

Const. Art. 6, Sec. 10.

(536.) SEC. 60. The Supreme Court and each of the circuit courts may, whenever there shall be no prosecuting attorney for the county, or when the prosecuting attorney shall be absent from the court, or unable to attend to his duties, if either of said courts shall deem it necessary, by an order, to be entered in the minutes of such court, appoint some other attorney-at-law to perform, for the time being, the duties required by law to be performed in either of said courts by the prosecuting attorney, who shall thereupon be vested with all the powers of such prosecuting attorney for that purpose.

An Act to provide for obtaining returns from the prosecuting attorneys of the several counties in the State of Michigan, and for other purposes.

[Approved March 1, 1849. Took effect April 30, 1849. Laws of 1849, p. 45.]

Duty of Attorney General in furnishing blanks for reports.

(537.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Attorney General be and he is hereby required to furnish to the several prosecuting attorneys in the State of Michigan, all necessary blanks to enable them to make uniform reports in conformity to the provisions of the fifty-sixth section of chapter fourteen of the revised statutes of eighteen hundred and forty-six.

¹ As amended by Act 59 of the Laws of 1871, p. 74, approved March 29, 1871.

From chapter fourteen of Revised Statutes of 1946.

COUNTY CLERKS.

(538.) SEC. 61. The county clerk in each organized county shall be elected at the general election, for the term of two years, and shall give a bond to the people of the State in the penal sum of two thousand dollars, to be approved by the circuit judge, for the faithful discharge of the duties of his office. Election of county clerk; his bond.

(539.) SEC. 62. The condition of such bond shall be in substance as follows: "Whereas, the above bounden hath been elected to the office of clerk of the county of _____ at the general election held therein [or at a special election held therein], on the _____ day of _____: Now, therefore, the condition of the above obligation is such, that if the said _____ shall faithfully, truly, and impartially enter and record all orders, decrees, judgments, and proceedings of the courts whereof he shall officiate as clerk, and faithfully and impartially perform all other duties of his said office, and shall pay over all moneys that may come into his hands as such clerk, and shall deliver over to his successor in office all the books, records, papers, seals, and other things belonging to his said office, then the above obligation to be void, otherwise to be and remain in full force." Condition of bond.

(540.) SEC. 63. Each county clerk shall appoint one or more deputies, to be approved by the circuit court, one of whom shall be designated in the appointment as the successor of such clerk in case of vacancy from any cause, and may revoke such appointment at his pleasure, which appointment and revocation shall be in writing, under his hand, and filed in the office of the county treasurer, and the deputy or deputies may perform the duties of such clerks. Shall appoint deputy. May revoke appointment.

(541.) SEC. 64. That the county clerk and his sureties shall be responsible for the acts of his deputy or deputies; and in case of the death, resignation, or removal of the clerk, or in any case of a vacancy by any other means in the said office of clerk, the deputy or deputies shall severally perform all the duties of such clerk until such vacancy shall be filled. Clerk responsible for acts of.

(542.) SEC. 65. The books necessary to be kept and used in the clerk's office, and also printed calendars for each regular term of Clerk shall obtain books, etc.

¹ As amended by Act 69 of the Laws of 1871, p. 88, approved March 31, 1871. Immediate effect.

² As amended by Act 146 of the Laws of 1861, p. 227, approved March 18, 1861.

Supervisors to allow account. court, shall be procured by the clerk, under the direction of the judge of the the circuit court, at the expense of the county; and the board of supervisors of the county shall audit and allow the account for such books and calendars, on the certificate of said judge.¹

Clerk, when to transmit list of justices to Secretary of State. (543.) SEC. 66. The clerk of each county shall transmit to the Secretary of State, annually, within one week after the fourth day of July, a list certified by him of all justices of the peace of the county, stating the time of their respective election, and their terms of service, and whether elected to fill a vacancy, and if so, what vacancy; and whenever the county clerk shall receive information of the death, removal, or resignation of any justice of the peace of his county, it shall be his duty forthwith to notify the Secretary of State of such vacancy.

1840, p. 52, Sec. 6.

To keep office at seat of justice. (544.) SEC. 67. The county clerk shall keep his office at the seat of justice for the county, and shall receive such fees and compensation for his services as shall be provided by law.

An Act to authorize and require county clerks to record soldiers' discharges.

[Approved March 25, 1867. Laws of 1867, p. 115.]

Record books authorized. (545.) SECTION 1. *The People of the State of Michigan enact,* That the county clerks of the several counties in this State be and are hereby directed to procure, at the expense of the respective counties, suitable books in which to record soldiers' discharges.

Duty of county clerk. (546.) SEC. 2. It shall be the duty of each county clerk, on payment to him of the fees hereinafter provided, to enter at large upon such record-book, all soldiers' discharges that may be presented to him for record, and to fully index the same, arranging the names of the soldiers alphabetically: *Provided,* That no such discharges shall be recorded as aforesaid unless proof of identity of the person named in such discharges shall be made as hereinafter directed.

Proviso.

Proof of identity (547.) SEC. 3. To entitle a discharge to be recorded, there shall be attached thereto proof of identity of the person named therein, as follows: If the clerk shall personally know the person presenting such discharge to be the person described therein, he shall make, attach to, and record with such discharge, the following certificate: "I, _____, clerk of the county of _____, do hereby certify that I am personally acquainted with _____, and know him to be the identical person named in the discharge presented for record and

If personally known.

¹ As amended by Act 15 of the Laws of 1871, p. 18, approved and took effect February 21, 1871.

recorded herewith." And if the county clerk shall not personally know the person named in said discharge, the same shall not be recorded unless there be made and attached thereto an affidavit, subscribed and sworn to by two witnesses (citizens of said county), before the county clerk or some justice of the peace or notary public of his county, which affidavit shall be in the following form: "On this day of , in the year of our Lord eighteen hundred and , before me, a in and for said county, personally appeared and , citizens of said county (with whom I hereby certify that I am personally acquainted), who, being by me duly sworn, severally depose and say that they are personally acquainted with , who, in their presence, presents his discharge, and know him to be the identical person named in said discharge."

If not personally known.

(548.) SEC. 4. The county clerk shall receive as his fee for certifying or taking the affidavit as above provided, and making such record as hereinbefore required, the sum of fifty cents, to be paid at the time such discharge, with the certificate or affidavit thereto attached or written thereon, is received for record.¹

Clerk's fee.

When paid.

(549.) SEC. 5. Certified copies of such record, under the seal of the circuit court of the county in which such discharge is recorded, shall be received as evidence of the contents of the original discharge, in all cases where such evidence may be required.

Sealed certificate of record taken as evidence.

SEC. 6. This act shall take immediate effect.

SHERIFFS.

(550.) SEC. 68. The sheriff of each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this State in the penal sum of ten thousand dollars, and with such sufficient sureties, not less than three in number, as the judge of the circuit court, or the county judge, shall approve.

When sheriff elected; term of office; bond.

(551.) SEC. 69. The condition of such bond shall be in substance as follows: "Whereas, The above bounden hath been elected to the office of sheriff of the county of at the general election held therein (or at a special election held therein), on the day of : Now, therefore, the condition of the above obligation is such, that if the said shall well and faithfully in all things perform and execute the office of sheriff of the said county of during his continuance in office by virtue

Condition of sheriff's bond.

¹ See Act 161. Laws of 1871, p. 246.

of the said election, without fraud, deceit, or oppression, and shall pay over all moneys that may come into his hands as such sheriff, then the above obligation to be void, otherwise, to be and remain in full force."

Sheriff may appoint deputies.

(552.) SEC. 70. Each sheriff may appoint one or more deputies, for whose official acts he shall be in all respects responsible, and may revoke such appointments at his pleasure; and persons may also be deputed by any sheriff, by an instrument in writing, to do particular acts.¹

Under-sheriff.

(553.) SEC. 71. The sheriff of each county shall, as soon as may be, after entering upon the execution of his office, appoint some proper person under-sheriff of the same county, who shall also be a general deputy, to hold during the pleasure of such sheriff; and as often as a vacancy shall occur in the office of such under-sheriff, or he become incapable of executing the same, another shall, in like manner, be appointed in his place.

When under-sheriff to act as sheriff.

(554.) SEC. 72. Whenever a vacancy shall occur in the office of sheriff of any county, the under-sheriff of such county shall, in all things, execute the office of sheriff, until a sheriff shall be elected and qualified; and any default or misfeasance in office of such under-sheriff in the mean time, as well as before, shall be deemed to be a breach of the condition of the bond given by the sheriff who appointed him, and also a breach of the condition of the bond executed by such under-sheriff to the sheriff by whom he was appointed.

Appointment of deputies, etc.; how made.

(555.) SEC. 73. Every appointment of an under-sheriff, or of a deputy sheriff, and every revocation thereof, shall be in writing under the hand of the sheriff, and shall be filed and recorded in the office of the clerk of the county; and every such under-sheriff or deputy shall, before he enters upon the duties of his office, take the oath prescribed by the twelfth article of the Constitution of this State. But this section shall not extend to any person who may be deputed by any sheriff to do a particular act only.

Sheriff to renew security.

(556.) SEC. 74. It shall be the duty of every sheriff, within twenty days after the first Monday in January in each year subsequent to that in which he shall have entered on the duties of his office, to renew the security required to be given by him before entering upon the duties of his office; which renewed security shall be in the same amount, and be given in the same manner,

¹ As amended by Act 105 of 1847, p. 163.

and be subject in all respects to the same regulations, as the original security required from such sheriff.

(557.) SEC. 75. The sheriff shall have the charge and custody of the jails of his county, and of the prisoners in the same; and shall keep them himself, or by his deputy or jailor, for whose acts he shall be responsible. To have care of jails.

(558.) SEC. 76. The sheriff in person, or by his under-sheriff or deputies, shall serve or execute according to law, all process, writs, precepts, and orders, issued or made by lawful authority, and to him directed. To execute process.

(559.) SEC. 77. Sheriffs and their deputies may execute all such process as shall be in their hands at the expiration of the term for which such sheriffs were elected, or at the time of their removal from office; and in case of a vacancy in the office of sheriff, every deputy in office under him, having any writ or process in his hands at the time such vacancy happened, shall have the same authority, and be under the same obligation to serve and execute and return the same, as if such sheriff had continued in office. When sheriff, etc., may execute process after expiration of office. 1899, p. 216, Sec. 5. s Gilman, 681.

(560.) SEC. 78. Any default or misfeasance in office of any deputy sheriff or jailor, after the death, resignation, or removal of any sheriff by whom he was appointed, shall be adjudged a breach of the bond of such sheriff. Default of deputy, etc., breach of sheriff's bond.

(561.) SEC. 79. Any action for the malfeasance, misfeasance, or nonfeasance of a sheriff, or any of his deputies, may be prosecuted against the executors or administrators of such sheriff, in like manner as if the cause of action survived at common law. Action for malfeasance, etc., to survive.

(562.) SEC. 80. No sheriff, deputy sheriff, or coroner shall appear in any court as attorney or counsel for or on behalf of any party in a suit; nor shall he draw, make, or fill up any writ, declaration, plea, or process, for any such party; nor shall he, with intent to procure himself to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence any suit or proceeding; and either of said officers, for a violation of any provision of this section, shall forfeit the sum of fifty dollars. No sheriff, etc., to act as attorney or counsel, or draw process.

(563.) SEC. 81. Any sheriff, deputy sheriff, coroner, or constable may require suitable aid in the service of process in civil or criminal cases, in preserving the peace, or in apprehending or securing any person for felony or breach of the peace, when such officer may have power to perform such duty; and when any such officer shall find resistance made against the execution of any process, or

¹ See following act.

shall have good reason to believe that such resistance will be made, he may take the power of the county, and proceed therewith in proper person to execute such process.

When sheriff's services chargeable to the State.

(564.) SEC. 82. Whenever a sheriff shall be required, by any statutory provision, to perform any service in behalf of the people of this State, and for their benefit, which shall not be made chargeable by law to his county, or to some officer or other person, his account for such services shall be audited by the Auditor General, and paid out of the State Treasury.

Sheriff to keep office, and give notice thereof.

(565.) SEC. 83. It shall be the duty of the sheriff of every county to keep an office at the place where the courts for such county are held, of which he shall file a notice in the office of the clerk of the county; and to keep the same open during the usual business hours each day, Sundays excepted.

Papers may be served by leaving at sheriff's office.

(566.) SEC. 84. Every notice or other paper which shall be required to be served on any sheriff, may be served by leaving the same at the office designated by him in such notice, during the hours for which it is required to be kept open; but if there be any person belonging to such office therein, such notice or paper shall be delivered to such person; and every such service shall be deemed equivalent to a personal service on such sheriff.

If no notice given, papers may be left at county clerk's office.

(567.) SEC. 85. If no notice shall be filed by any sheriff with the county clerk as herein required, the service of all papers on such sheriff may be made by leaving them at the office of the county clerk, with such clerk or his deputy; and the same shall be deemed equivalent to a personal service on such sheriff.

An Act to enlarge the powers and duties of sheriffs, under, and deputy sheriffs.

[Approved January 31, 1867. Laws of 1867, p. 2.]

Powers of sheriffs in counties, except Wayne.

(568.) SECTION 1. *The People of the State of Michigan enact.* That any sheriff, under-sheriff, or deputy sheriff of any county of this State, except the county of Wayne, may and shall hereafter be fully authorized to serve or execute any and all process, civil or criminal, issued, or which may by law be issued, by any justice of the peace, and to have and exercise all the powers and duties of constables; and for such services they shall be entitled to the same fees as are now or may be allowed by law to constables in like cases.

Fees.

SEC. 2. This act shall take immediate effect.

Chapter one hundred and forty-seven of Revised Statutes of 1846.

PROCEEDINGS ON THE ELECTION OF A NEW SHERIFF. N. Y. R. S. Art. 5, Title 6, Ch. 7, Part 3.

(569.) SEC. 28. Whenever any new sheriff shall be elected in the place of any other, or upon the expiration of any sheriff's office, and shall have qualified and given the security required by law, the clerk of the county shall grant a certificate, under the seal of the circuit court for the county, that the person so elected has qualified and given such security. Evidence of new sheriff having qualified. 12 Wend. 481.

(570.) SEC. 29. Upon the service of such certificate on the former sheriff, his powers as such sheriff, except in the cases otherwise expressly provided by law, shall cease. When powers of former sheriff to cease. 12 Wend. 275.

(571.) SEC. 30. Within ten days after the service of such certificate upon such former sheriff, he shall deliver to his successor: Jail, etc., to be delivered to successor.

First. The jail of the county, with all its appurtenances, and the property of the county therein;

Second. All the prisoners then confined in such jail;

Third. All process, orders, rules, commitments, and all other papers or documents in his custody, authorizing, or relating to, the confinement of such prisoners; and if any process shall have been returned, a statement in writing of the contents thereof, and when returned;

Fourth. All writs of *capias ad respondendum*, and other original process, and all precepts and other documents, for the summoning of a grand or petit jury, then in his hands, which shall not have been fully executed by him;

Fifth. All executions, attachments, and final process, then in his hands, except such as the said former sheriff shall have executed, or shall have begun to execute, by the collection of money thereon, or by a levy on property in pursuance thereof;

(572.) SEC. 31. At the time of such delivery, the said former sheriff shall execute an instrument, reciting the property, process, documents, and prisoners delivered, specifying particularly the process or other authority by which each prisoner was committed and is detained, and whether the same be returned or delivered to such new sheriff; which instrument shall be delivered to such new sheriff, who shall acknowledge in writing, upon a duplicate thereof, the receipt of the property, process, documents, and prisoners therein specified, and shall deliver such duplicate and acknowledgment to the said former sheriff. Acknowledgment of receipt of property, etc., by new sheriff.

shall have good reason to believe that such resistance will be made, he may take the power of the county, and proceed therewith in proper person to execute such process.

When sheriff's services chargeable to the State.

(564.) SEC. 82. Whenever a sheriff shall be required, by any statutory provision, to perform any service in behalf of the people of this State, and for their benefit, which shall not be made chargeable by law to his county, or to some officer or other person, his account for such services shall be audited by the Auditor General, and paid out of the State Treasury.

Sheriff to keep office, and give notice thereof.

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Papers may be served by leaving at sheriff's office.

(566.) SEC. 84. Every notice or other paper which shall be required to be served on any sheriff, may be served by leaving the same at the office designated by him in such notice, during the hours for which it is required to be kept open; but if there be any person belonging to such office therein, such notice or paper shall be delivered to such person; and every such service shall be deemed equivalent to a personal service on such sheriff.

If no notice given, papers may be left at county clerk's office.

(567.) SEC. 85. If no notice shall be filed by any sheriff with the county clerk as herein required, the service of all papers on such sheriff may be made by leaving them at the office of the county clerk, with such clerk or his deputy; and the same shall be deemed equivalent to a personal service on such sheriff.

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Fees.

SEC. 2. This act shall take immediate effect.

Chapter one hundred and forty-seven of Revised Statutes of 1846.

PROCEEDINGS ON THE ELECTION OF A NEW SHERIFF. N. Y. R. S. Art. 5, Title 6, Ch. 7, Part 8.

(569.) SEC. 28. Whenever any new sheriff shall be elected in the place of any other, or upon the expiration of any sheriff's office, and shall have qualified and given the security required by law, the clerk of the county shall grant a certificate, under the seal of the circuit court for the county, that the person so elected has qualified and given such security. Evidence of new sheriff having qualified. 12 Wend. 481.

(570.) SEC. 29. Upon the service of such certificate on the former sheriff, his powers as such sheriff, except in the cases otherwise expressly provided by law, shall cease. When powers of former sheriff to cease. 12 Wend. 275.

(571.) SEC. 30. Within ten days after the service of such certificate upon such former sheriff, he shall deliver to his successor: Jail, etc., to be delivered to successor.

First. The jail of the county, with all its appurtenances, and the property of the county therein;

Second. All the prisoners then confined in such jail;

Third. All process, orders, rules, commitments, and all other papers or documents in his custody, authorizing, or relating to, the confinement of such prisoners; and if any process shall have been returned, a statement in writing of the contents thereof, and when returned;

Fourth. All writs of *capias ad respondendum*, and other original process, and all precepts and other documents, for the summoning of a grand or petit jury, then in his hands, which shall not have been fully executed by him;

Fifth. All executions, attachments, and final process, then in his hands, except such as the said former sheriff shall have executed, or shall have begun to execute, by the collection of money thereon, or by a levy on property in pursuance thereof;

(572.) SEC. 31. At the time of such delivery, the said former sheriff shall execute an instrument, reciting the property, process, documents, and prisoners delivered, specifying particularly the process or other authority by which each prisoner was committed and is detained, and whether the same be returned or delivered to such new sheriff; which instrument shall be delivered to such new sheriff, who shall acknowledge in writing, upon a duplicate thereof, the receipt of the property, process, documents, and prisoners therein specified, and shall deliver such duplicate and acknowledgment to the said former sheriff. Acknowledgment of receipt of property, etc., by new sheriff.

Powers of former sheriff in relation to certain process.

(573.) SEC. 32. Notwithstanding the election of a new sheriff, the former sheriff shall return, in his own name, all writs of *capias ad respondendum*, all other original process, all attachments, and all executions, which he shall have fully executed, and shall proceed to complete the execution of all final process and attachments which he shall have begun to execute by a collection of money thereon, or by a levy on property in pursuance thereof.

Compelling delivery of jail, etc.

(574.) SEC. 33. If any former sheriff shall neglect or refuse to deliver to his successor the jail, process, documents, and prisoners in his charge, as herein required, such successor may, notwithstanding, take possession of such jail, and take the custody of the prisoners therein confined, and may compel the delivery of such process and documents, in the manner prescribed in the one hundred and thirty-third chapter of these Revised Statutes.

Duty of under-sheriff in certain cases.

(575.) SEC. 34. If, at the time when any new sheriff shall have qualified and given the security required by law, the office of the former sheriff shall be executed by his under-sheriff, or by a coroner of the county, such under-sheriff, or coroner, shall in all things comply with the preceding provisions, and shall perform the duties required of such former sheriff.

CORONERS.¹

From chapter fourteen of Revised Statutes of 1846.

Two coroners to be elected in each county; to give bond.

(576.) SEC. 86. Two coroners shall be elected for each of the organized counties of this State at the general election, for the term of two years, who shall give bond to the people of this State in such penal sum and with such sufficient sureties as the judge of the circuit court or the county judge shall direct and approve, the condition of which bond shall be in substance the same as that to be given by the sheriff, varying only in the description of the office.

When coroner to be designated to act as sheriff.

(577.) SEC. 87. When there shall be no sheriff or under-sheriff in any county, the judge of the circuit court or the county judge shall designate one of the coroners to perform the duties of sheriff, which coroner, so designated, shall be vested with the same powers and be liable in the same manner as sheriffs until a sheriff shall be elected and qualified; and shall have the custody and control of the jail and the prisoners therein; and when the sheriff, for any cause, shall be committed to the jail, the coroner living nearest the jail shall be keeper thereof during the time the sheriff shall remain a prisoner therein.

3 Gilman, 581.

¹ Laws of 1861. Act 88, p. 121.

(578.) SEC. 88. Every coroner, within his county, shall serve and execute process of every kind, and perform all other duties of the sheriff when the sheriff shall be a party or interested in the case; and in all cases where a coroner may execute the duties of the sheriff he shall have the same powers conferred upon, and proceed in the same manner prescribed for the sheriff, in the performance of similar duties; and such coroner shall be liable in the same manner and to the same extent as sheriffs are made liable in similar cases.

Coroners to execute process when sheriff a party, etc.

REGISTER OF DEEDS.

(579.) SEC. 89. The register of deeds for each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this State in the penal sum of three thousand dollars, with two sureties to be approved by the county treasurer, the condition of which shall be that he shall faithfully and impartially discharge the duties of his office.

Register of deeds to be elected and give bond.

(580.) SEC. 90. The register shall keep his office at the seat of justice for the county, and shall receive such fees and compensation for his services as may be provided by law.

Office to be kept at seat of justice

(581.) SEC. 91. The register of deeds shall appoint a deputy, to hold his office during the pleasure of the register; such appointment and the revocation thereof to be in writing, and filed in the office of the county clerk; and before such deputy shall enter upon the duties of his office, he shall take the oath prescribed by the twelfth article of the Constitution, and for the faithful performance of his duties by such deputy the register and his sureties shall be responsible.

Register to appoint deputy, etc

(582.) SEC. 92. In case of a vacancy in the office of the register of deeds, or his absence or inability to perform the duties of his office, such deputy shall perform the duties of register during the continuance of such vacancy or disability.

When deputy to act as register.

(583.) SEC. 93. If, during a vacancy in the office of register of deeds, there shall be no deputy register, or if such deputy be unable from any cause to perform the said duties, the judge of the circuit court for the county, or the county judge may, by writing under his hand, appoint some suitable person to perform the duties of register of deeds for the time being, who shall take an oath of office, and give such bond as the said judge shall direct and approve.

When judge to appoint person to perform duties of register.

(584.) SEC. 94. The board of supervisors of each county shall, from time to time, provide suitable books, at the expense of the

Supervisors to provide books for recording.

county, for the entering and recording of all deeds and matters required by law to be entered and recorded by the register of deeds.

COUNTY SURVEYORS.

County surveyor to be elected, term of his office and bond.

(585.) SEC. 95. The county surveyors for each organized county shall be elected at the general election, for the term of two years, and shall give bond to the people of this State, in the penal sum of two thousand dollars, with two sureties to be approved by the county treasurer, conditioned for the faithful and impartial discharge of the duties of his office.

Surveyors may appoint deputies

(586.) SEC. 96. Each county surveyor may appoint one or more deputies, and revoke such appointment at pleasure; which appointment and revocation shall be in writing, under his hand, and filed with the county clerk, and such deputies shall take the constitutional oath of office; and for the faithful performance of the duties of their office by such deputies, the said surveyor and his sureties shall be responsible.

Certificates of surveyor, when presumptive evidence.

(587.) SEC. 97. The certificate of the surveyor or his deputy, of any survey made by him of any lands in the county, shall be presumptive evidence of the facts therein contained, unless such surveyor or deputy shall be interested therein.

Surveyor to make surveys ordered by court

(588.) SEC. 98. The county surveyor, in person or by deputy, shall make and execute such surveys within his county, as may be required of him by order of any court, or by application of any person therefor.

When surveyor or deputies interested, surveys may be made by county surveyor of adjoining county.

(589.) SEC. 99. Whenever a survey may be required of any land in which the county surveyor, or either of his deputies, shall be interested, or when, from any cause, there shall be no surveyor or deputy surveyor of the county to be found, or able to act, such survey may be made by the surveyor of an adjoining county, or either of his deputies, in like manner, and to the same effect, as if such survey had been made by the surveyor of the county where the land is situated.

What surveys to be recorded.

(590.) SEC. 100. Each county surveyor shall record in a suitable book, to be provided by him at the expense of the county, all surveys made by him and his deputies, except such as are made for a temporary purpose, and surveys of township highways and village plats. The record-book shall be constituted so as to have the left page for diagrams, to be numbered progressively, and the right page for notes and remarks; and no diagram shall be constructed to scale less than one inch to twenty chains. The courses and distances of

Record to be arranged for diagrams, notes, etc. Scale of diagrams.

all lines run, and the number of acres contained in each piece of land surveyed, shall be entered on the diagram of a section, subdivided according to the survey thereof, and shall be considered a part of the record. The record shall show, in addition, the time when, the name of the person by whom, and the person for whom, each survey was made, a description of all witness trees marked on the survey, with their respective courses and distances, and the variation of the magnetic from the true meridian. He shall make an index to such record-book, referring in some suitable manner to each survey.¹

Courses and distances to be entered, etc.

What record shall show.

Index to record.

(591.) SEC. 101. When the term of office of any county surveyor shall expire, or he shall resign or be removed, he shall deliver over all the books and papers relating to his office to his successor therein. And any county surveyor who, on the expiration of his term of office, or on his resignation or removal, shall neglect for the space of one month after his successor shall be elected or appointed and qualified, to deliver such books and papers as aforesaid, and any executor or administrator of any deceased county surveyor who shall neglect for the space of one month to deliver to such successor all such books and papers which shall come to his hands, shall forfeit and pay a sum not less than ten nor more than fifty dollars, and a similar sum for every month thereafter during which he shall so neglect to deliver the same as aforesaid.

County surveyor to deliver books and papers to successor; penalty for neglect.

1845, p. 65.

(592.) SEC. 102. The county surveyor shall contract with the Commissioner of the State Land Office, or with any person having possession of the same, for certified copies of the field notes and plats of the original surveys by the United States of the lands of his county, and if such contract be approved by the board of supervisors of his county, the county surveyor shall, upon receiving such copies, direct the county clerk to draw an order upon the treasurer of his county for the amount so agreed upon, and transmit it to the said Commissioner or other person to whom it may be due, and shall have said plats and field notes substantially bound in book form, which shall be kept open in the said county surveyor's office for the benefit of the public. And all records of surveys, field notes, and calculations, made by any former county surveyor, since the organization of the State government, and now in the hands of such former county surveyor or of any other person, shall, on demand of the county surveyor of the proper county, be immediately delivered to him as a part of the records and files of his office; and the boards of supervisors of the several counties shall

Original surveys by United States; how obtained.

How paid for, etc.

Provision for obtaining former records of surveys, etc., and payment for same.

¹ As amended by Act 140 of the Laws of 1869, p. 255, approved April 8, 1869.

respectively audit and allow to the persons entitled thereto such sum as they shall deem a reasonable compensation for the expense of the books containing such records.¹

Surveys; how made.

(593.) SEC. 103. All surveys by county surveyors in this State must be made in accordance with the following principles, when applicable:

First. All corners that can be identified by the original field notes or other unquestionable testimony, shall be regarded as the original corners, and must not be changed while they can be thus identified;

Second. Extinct interior-section corners must be re-established at the intersection of two right lines joining the nearest known points on the original section lines east and west, and north and south of it;

Third. Any extinct quarter-section corner, except on fractional lines, must be re-established equidistant and in a right line between the section corners; in all other cases, at its proportional distance between the nearest original corners on the same line;

Duty of surveyors to perpetuate original corners, etc.

Fourth. Center corners of whole sections, and of fractional sections adjoining the north and west boundaries of townships, must be established at the intersection of two right lines connecting their opposite quarter-section corners respectively. It shall be the duty of county surveyors to perpetuate the original corners they may work from, by noting new bearing trees where timber is near, as the old ones decay. They shall also perpetuate the principal corners made by themselves in the same manner.²

Chainmen, etc., to be sworn.

(594.) SEC. 104. Every chainman and marker, employed in making surveys pursuant to the provisions of this chapter, shall first take an oath that he will faithfully discharge his duties as such, which oath the county surveyor, or the deputy making the survey, is hereby authorized to administer.

How majority of resident owners may have their corners and lines established, etc.

(595.) SEC. 105. Whenever a majority of the resident owners of any section, or part or parts of any section of land in this State, after having given at least ten days' notice to all other persons, or to their agents, owning land in the same section, or part or parts of the section, as the case may be, who reside in the township, shall desire to have their corners and lines, or any of them, established, re-located, or perpetuated, such surveyor shall proceed to make the required surveys; and the expense thereof shall be borne

¹ As amended by Act 140 of the Laws of 1869, p. 255, approved April 3, 1869.

² Vide note to section 500.

by all the persons benefited, in proportion to the amount of work done for each, to be determined by the surveyor; and if any person thus benefited, whether a non-resident or otherwise, shall refuse or neglect to pay his share of such expense, such surveyor shall certify the same, and to whom due, to the supervisor of the proper township, who shall assess it upon the land of such person, to be collected in the same manner as other taxes, and held subject to the order of the person named in the surveyor's certificate, as being entitled to the same.¹

Expense of same, by whom paid.

On refusal or neglect to pay, same may be assessed on land.

(596.) SEC. 106. Each county surveyor and his deputies shall be entitled to receive for their respective services, a compensation not exceeding four dollars a day, including the time of traveling to and from the place of making the survey, and twenty-five cents for recording each description, and twenty-five cents for each certificate or a copy thereof, to be paid by the person for whom the services are rendered, and shall not be liable to prosecution in an action of trespass for entering upon any lands in the discharge of their duties.¹

Compensation of surveyor and deputies.

NOTARIES PUBLIC.

(597.) SEC. 107. The Governor, by and with the advice and consent of the Senate, may appoint one or more notaries public in each county, who shall hold their offices respectively for four years, unless sooner removed by the Governor.

Notaries public, how appointed.

(598.) SEC. 108. Whenever the Governor shall appoint a notary public, the Secretary of State shall transmit his commission to the clerk of the county for which such notary was appointed; and the county clerk, on receiving such commission, shall give notice thereof to the person so appointed.

Commission to be transmitted.

1842, p. 77.

(599.) SEC. 109. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice from the county clerk of his appointment, take and file with the county clerk the oath prescribed by the constitution, and pay into the hands of the clerk one dollar as a fee to the State, and the said clerk shall file the oath thus taken in his office, and on the first day of January, April, July, and October, in each year, he shall transmit to the State Treasurer, to be placed to the credit of the general fund, the amount by him received during each preceding quarter, for notary commissions by him delivered, and shall at the same time transmit to the State Treasurer and to the Secretary

Oath of office and fees to the State.

Quarterly returns to State Treasurer and Secretary of State.

¹ Vide note to section 590.

- of State, a written list containing the names of all persons to whom, during each preceding quarter, he has delivered commissions, with his certificate that such persons have fully complied with the provisions of law in regard to their qualification for the discharge of the duties of the office of notary public, and said clerk shall further, at the same time, transmit to the Secretary of State all commissions that have remained in his office uncalled for for the period of thirty days after giving the notice required in the preceding section; and said clerk, for all his services required by this act, shall be entitled to receive the sum of seventy-five cents from each person so qualifying.¹
- Commissions not called for returned.** (600.) SEC. 110. Each notary public shall also, before entering upon the duties of his office, and within the time limited for filing his official oath, give bond to the people of this State, with one or more sureties, to be approved by the county clerk, in the penal sum of one thousand dollars, the condition of which bond shall be, that such notary shall duly and faithfully discharge the duties of his office, and he shall file the same with said clerk.
- County clerk's fees.** (601.) SEC. 111. Upon the filing of the official oath and bond, as required in the two next preceding sections, the clerk shall deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the Secretary of State of the filing of such oath and bond, and of the time of filing the same.
- Notary to give bond.** (602.) SEC. 112. Notaries public shall have authority to take the proof and acknowledgments of deeds; to administer oaths, and take affidavits in any matter or cause pending, or to be commenced or moved in any court of this State; to demand acceptance of foreign and inland bills of exchange, and of promissory notes, and to protest the same for non-acceptance, or non-payment, as the case may require; and to exercise such other powers and duties, as by the law of nations, and according to commercial usage, or by the laws of any other State, government, or country, may be performed by notaries public.
- Clerk to deliver commission on filing bond.** (603.) SEC. 113. In all the courts of this State the certificate of a notary public, under his hand and seal of office, of official acts done by him as such notary, shall be received as presumptive evidence of the facts contained in such certificate; but such certificate shall not be evidence of notice of non-acceptance or non-payment in any case in which a defendant shall annex to his plea an affidavit denying the fact of having received such notice.
- 1842. p. 77. Sec. 4**
- Powers of notary.**
- 14 Mich. 840.**
- When certificate of notary to be presumptive evidence.**
- 8 Kent's Com. 98.**

¹ As amended by Act 198 of the Laws of 1871, p. 824, approved April 17, 1871.

(604.) SEC. 114. Whenever the office of any notary public shall become vacant, the records of such notary, and all the papers relating to his office, shall be deposited in the office of the clerk of the proper county; and any notary who, on his resignation or removal from office, shall neglect, for the space of three months, to deposit such records and papers, and any executor or administrator of any deceased notary public who shall neglect, for the space of three months after his appointment, to deposit with said clerk all such records and papers as shall come to his hands, shall forfeit and pay a sum not less than fifty dollars nor more than two hundred dollars.

When office of notary vacated, papers, etc., to be deposited with county clerk.

Penalty for neglect.

(605.) SEC. 115. If any person shall knowingly destroy, deface, or conceal any records or papers belonging to the office of a notary public, he shall forfeit and pay a sum not exceeding five hundred dollars; and such person shall also be liable to an action for damages at the suit of the party injured.

Penalty for destroying or concealing papers.

(606.) SEC. 116. The county clerk shall receive and safely keep all the records and papers of notaries public directed to be deposited in his office, and shall give certified copies of such records and papers, under his hand and seal, when required; and for such copies he shall receive the same fees as are by law allowed to notaries public; and copies so given by said clerk shall be as valid and effectual as if given by a notary public.

County clerk to keep records, etc., and give copies when required.

(607.) SEC. 117. Notaries public shall reside in the county for which they are appointed, but they may act as such notaries in any part of this State; and they shall receive for their services such fees as are provided by law.

Where notaries to reside, and where they may act. Fees.

FILING OATHS AND BONDS BY COUNTY OFFICERS.

(608.) SEC. 118. Each of the officers named in this chapter, except notaries public and prosecuting attorneys, shall, before entering upon the duties of his office, and within twenty days after receiving official notice of his election, or within twenty days after the commencement of the term for which he was elected, take and subscribe the oath of office prescribed by the Constitution of this State, before some officer authorized by law to administer oaths, and deposit the same with the clerk of the proper county, who shall file and preserve the same in his office.

Certain officers to take oath, etc. 6 Mich. 146.

(609.) SEC. 119. Each of the said officers of whom a bond shall be required by law, except the said treasurer, before entering upon the duties of his office, and within the time limited in the last preceding section for depositing his oath, shall deposit his bond

Official bonds, when to be deposited with county treasurer.

with the said treasurer, who shall file and preserve the same in his office; and the said treasurer, before entering upon the duties of his office, and within the time limited in the preceding section for depositing his oath, shall deposit his bond with the clerk of the county, who shall file and preserve the same in his office.

Penalty for neglect.

(610.) SEC. 120. If either of the said officers shall neglect to deposit his oath or bond according to the provisions of the two last preceding sections, without giving the notice specified in the next section, or if he shall enter upon the execution of his office before he shall have so deposited his said oath or bond, he shall, in either case, forfeit and pay one hundred dollars.

No penalty to attach when notice given.

(611.) SEC. 121. No penalty shall attach on account of any neglect to deposit such oath or bond as aforesaid, in case such officer, before entering upon the execution of his office, and within the time limited for filing such oath or bond, shall give notice in writing to the officer or officers having the power by law to order an election to fill such office, or to fill the same by appointment, stating therein that he declines accepting such office.

Commission of prosecuting attorney to be transmitted.

(612.) SEC. 122. Whenever the Governor shall appoint a prosecuting attorney, the Secretary of State shall transmit his commission to the clerk of the county for which such prosecuting attorney was appointed, and the county clerk, on receiving such commission, shall immediately give notice thereof to the person so appointed.

Clerk to give notice.

Person appointed to take oath before clerk.

(613.) SEC. 123. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice of his appointment, appear before the county clerk, and take and subscribe the oath of office prescribed by the Constitution, and file the same with the clerk, who shall thereupon deliver to the person so appointed, the commission received by him for such person, and shall thereupon give notice to the Secretary of State of the filing of such oath, and of the time of filing the same.

Regular term of county officers, when to commence.

(614.) SEC. 124. The regular terms of office of the several county officers elected at the general election, shall commence on the first Monday¹ of January succeeding their election; but those elected at the general election, or at a special election to fill vacancies, may qualify and enter upon the execution of their offices immediately after being notified of their election.

In case of election to fill vacancy.

¹ First day of January, by section twenty-eight of Schedule to Constitution.

CHAPTER XI.

RESIGNATIONS, VACANCIES, AND REMOVALS FROM
OFFICE, AND SUPPLYING VACANCIES.

Chapter fifteen of Revised Statutes of 1846.

RESIGNATIONS.

(615.) SECTION 1. Resignations shall be made as follows :

Resignations, to
whom made.

First. By the Governor, Lieutenant Governor, and all officers elected by joint vote of the Senate and House of Representatives; to the Legislature;

Second. By officers appointed by the Governor alone, or by the Governor by and with the advice and consent of the Senate or both branches of the Legislature; to the Governor;

Third. By Senators and Representatives, to the presiding officers of their respective houses, who shall immediately transmit the same to the Governor;

Fourth. By all other officers who hold their offices by election, except officers elected at township meetings; to the officer or officers respectively authorized by law to order a special election to fill such offices respectively;

Fifth. By all other officers holding their offices by appointment and not by election; to the body, board, or officer that appointed them.

(616.) SEC. 2. It shall be the duty of all officers, bodies, or boards to whom the resignation of any office contemplated in the last preceding section is authorized to be made, or who are authorized to fill any vacancy in any of said offices, or to order a special election therefor, when duly informed of the existence of such vacancy, to cause to be filed in the office of the Secretary of State a statement of the occurrence, with the date and cause of such vacancy.

Duties of officers,
etc., to whom
resignations are made.

VACANCIES.

What events to
create vacancy.
5 Mich. 146.

(617.) SEC. 3. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

First. The death of the incumbent;

Second. His resignation;

Third. His removal from office;

Fourth. His ceasing to be an inhabitant of this State; or, if the office be local, of the district, county, township, city, or village for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged;

Fifth. His conviction of any infamous crime, or of any offense involving a violation of his oath of office;

Sixth. The decision of a competent tribunal declaring void his election or appointment; or,

Seventh. His refusal or neglect to take his oath of office, or to give or renew any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided,* That the supervisor of any township in which the office of a township treasurer or justice of the peace may become vacated by operation of this act, shall immediately transmit to the county clerk of the county in which such township treasurer or justice of the peace resides, a notice in writing, officially signed by him, informing the county clerk that the office of such township treasurer or justice of the peace is vacated.¹

3 Gilman, 59.

REMOVALS FROM OFFICE.

Certain officers
may be removed
for neglect.

(618.) SEC. 4. The Secretary of State, Auditor General, and all State and county officers, except the State Treasurer, and Judges of the Supreme and circuit courts, who are, or shall be appointed by the Governor alone, or by the Governor by and with the advice and consent of the Senate or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, may, for official misconduct, or habitual or willful neglect of duty, at any time during the recess of the Legislature, be removed, and the vacancy supplied during such recess, by the Governor.

Persons ap-
pointed to fill
vacancy may be
removed.

(619.) SEC. 5. All officers who are or shall be appointed by the Governor to fill a vacancy which shall have existed during the recess of the Legislature, may be removed by the Governor.

¹ As amended by "An act to amend sections three, fourteen, and fifteen, of chapter fifteen of the Revised Statutes of 1846, in relation to vacancies in office," approved June 27, 1861. Laws of 1861, p. 273.

(620.) SEC. 6. The Governor shall remove all county officers chosen by the electors of any county, or appointed by him, except county judges, judges of probate, and county clerks, and shall also remove all justices of the peace and township officers chosen by the electors of any township, when in his opinion such officer is incompetent to execute properly the duties of his office; or when he is satisfied that such officer has been guilty of official misconduct, or of willful or habitual neglect of duty, if in his opinion such misconduct or neglect shall be sufficient cause for such removal; but no such officer shall be removed for such misconduct or neglect, unless charges thereof shall have been exhibited to the Governor, and a copy of the same served upon such officer, and an opportunity given him of being heard in his defense.

When Governor may remove county and township officers.

(621.) SEC. 7. The Governor may direct the Attorney General, or the prosecuting attorney of the county in which such officer may be, unless such prosecuting attorney be the officer charged, to conduct an inquiry into the charges made, and the said Attorney General or such prosecuting attorney shall thereupon give at least eight days' notice to the officer accused, of the time and place at which he will proceed to the examination of witnesses in relation to such charges, before some circuit court commissioner, or judge of probate, for the same county, and he shall also, at the time of giving such notice, serve on the officer accused, a copy of such charges.¹

Governor may order inquiries into the charges.

Notice to officer accused.

Copy of charges to be served.

(622.) SEC. 8. The Attorney General or prosecuting attorney may issue subpoenas, signed by him with his name of office, to compel the attendance of any witness whom he shall deem material, before said circuit court commissioner or judge of probate, and such commissioner or judge of probate shall have the same power to enforce obedience to such subpoena by attachment, and to commit any person who shall refuse to be sworn or to answer, as the circuit court would have in a civil cause pending therein.¹

Who may issue subpoenas.

Power to enforce obedience.

(623.) SEC. 9. On the application of the officer accused to the prosecuting attorney, or to any justice of the peace, he shall be entitled to the like process of subpoena, obedience to which may be enforced in the same manner, as provided in the last preceding section, by the commissioner or judge of probate before whom the witness may be conducted.¹

Accused entitled to like process of subpoena.

(624.) SEC. 10. At the time and place therein specified in the notice, the commissioner or judge of probate before whom such

Sworn testimony of witnesses reduced to

¹ As amended by Act 68 of the Laws of 1871, p. 77, approved March 29, 1871.

writing, read to and signed by, and certified to by officer, and transmitted to Governor.

inquiry shall be conducted shall proceed to take the testimony of the witness produced before him by the Attorney General or prosecuting attorney and the officer accused, which witness shall be sworn by such commissioner or judge of probate, and every answer given by them to any question which either party shall require to be reduced to writing shall be written by or under the direction of such commissioner or judge of probate. Their testimony shall then be read to and subscribed by them, and shall be certified by the commissioner or judge of probate taking the same, and delivered to the prosecuting attorney or Attorney General, who shall transmit the same to the Governor.¹

Proceedings when charges made against prosecuting attorney.

(625.) SEC. 11. Whenever charges shall be made against any prosecuting attorney, as provided in section six of this chapter, the Governor shall direct the Attorney General, or the prosecuting attorney of some county adjoining that in which the accused resides, or some other attorney-at-law, to conduct the inquiry into such charges; and such officer or attorney, when so directed, shall have and exercise the same powers to conduct such inquiry, and shall proceed therein in the same manner, as the prosecuting attorney of the proper county is authorized and required to do in other cases.

1840, p. 36.

Authority to remove county clerk.

(626.) SEC. 12. The judge of the circuit court and the circuit court commissioner shall have authority, in term time or vacation, to remove the county clerk, when, in their opinion, he is incompetent to execute properly the duties of his office; or when, on charges and evidence, they shall be satisfied that he has been guilty of official misconduct, or habitual or willful neglect of duty, if, in their opinion, such misconduct or neglect shall be a sufficient cause for such removal; but no such clerk shall be removed for such misconduct or neglect, unless charges thereof shall have been preferred to said judge or commissioner, and notice of the hearing, with a copy of the charges, delivered to such clerk, and a full opportunity given him to be heard in his defense.²

Clerk may be heard in defense.

When Governor may declare certain offices vacant.

(627.) SEC. 13. The office of State Treasurer, Commissioner of the Land Office, or of any other collector or receiver of public moneys, appointed by the Legislature, by the Governor alone, or by the Governor by and with the advice and consent of the Senate or of both branches of the Legislature, except those officers for whose removal provision is otherwise made by law, may be declared vacant by the Governor, in case it shall appear to him, on sufficient

¹ As amended by Act 68 of the Laws of 1871, p. 77, approved March 29, 1871.

² As amended by the act of January 29, 1853.

proofs, that such Treasurer, Commissioner, or other officer, has in any particular willfully violated his duty.

SUPPLYING VACANCIES.

(628.) SEC. 14. When, during the recess of the Legislature, there shall be in either of the offices to be appointed by the Governor alone, or by the Governor by and with the advice and consent of the Senate or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, no officer duly authorized to execute the duties thereof, some suitable person may be selected and appointed by the Governor to perform the duties of either of said officers for the time being; and when, during the recess of the Legislature, the term of office of any officer, appointed by the Governor alone, or by the Governor with the advice and consent of the Senate or of both branches of the Legislature, or by the Legislature without the concurrence of the Governor, shall expire, the Governor shall have power to appoint some suitable person to such office, and such person shall hold such office, unless sooner removed by competent authority, until the close of the next session of the Legislature, or until his successor is appointed or elected and qualified.¹

Governor may fill certain vacancies during recess of Legislature.

(629.) SEC. 15. When, at any time, there shall be, in either of the offices of county clerk or prosecuting attorney, no officer duly authorized to execute the duties thereof, the judge of the circuit court of the circuit in which the county where such vacancy exists shall be situated, may appoint some suitable person to perform the duties of either of said officers for the time being; and when, at any time, there shall be in either of the offices of sheriff, coroner, register of deeds, or county surveyor, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the county clerk and prosecuting attorney of the county to perform the duties of either of said offices for the time being.¹

When circuit judge may appoint person to execute duties of county clerk and prosecuting attorney.

(630.) SEC. 16. Each of the persons appointed in pursuance of either of the two last preceding sections, shall, before proceeding to execute the duties assigned him, comply with such conditions and directions as shall be prescribed and given relative to oaths and bonds, by the officer or officers appointing him as aforesaid.

How other county offices may be filled for the time being.

Persons appointed to fill vacancy to comply with directions, etc.

(631.) SEC. 17. All officers appointed by the Governor during the recess of the Legislature, shall continue to exercise the duties of their respective offices until the close of the next succeeding

Officers appointed by Governor during recess, how long to hold

¹ See note on page 266.

session, unless others shall be appointed in their stead by competent authority, and shall have entered upon the discharge of their respective duties.

An Act prescribing the manner of filling vacancies in certain State offices.

[Approved June 23, 1851. Laws of 1851, p. 266.]

Vacancies in
certain State
offices; how
filled.

(632.) SECTION 1. *The People of the State of Michigan enact,* That whenever, from any cause, there shall be a vacancy in the office of Auditor General, Attorney General, Secretary of State, or State Treasurer, Superintendent of Public Instruction, or Commissioner of the State Land Office, the Governor shall have power to appoint some suitable person to fill such vacancy, and the person so appointed shall take the same oath of office, and give a bond in the same manner as provided by law for the officer for whose vacancy he shall be so appointed; and such person shall hold such office, unless sooner removed by competent authority, until his successor shall be elected and qualified under the Constitution of this State, or until the close of the next session of the Legislature.

SEC. 2. This act shall take effect and be in force immediately.

An Act in relation to vacancies in county offices filled by appointment by the Governor.

[Approved February 17, 1857. Laws of 1857, p. 420.]

County officers
appointed by
Governor to hold
till expiration of
regular term.
9 Mich. 227.

(633.) SECTION 1. *The People of the State of Michigan enact,* That whenever a vacancy shall occur in any county office, and such vacancy shall have been filled by appointment by the Governor, such appointment shall continue, and the person so appointed shall hold said office, during the unexpired portion of the regular term limited to such office, unless the Governor shall sooner revoke and determine such appointment.

Repeal of con-
travening acts.

(634.) SEC. 2. That all acts and parts of acts which in any wise contravene the provisions of this act be and the same are hereby repealed.

This act is ordered to take immediate effect.

An Act to subject all persons holding office under the government of the State of Michigan to removal from office for drunkenness.

[Approved April 5, 1871. Laws of 1871, p. 103.]

Drunkenness
cause for remov-
al from office.

(635.) SECTION 1. *The People of the State of Michigan enact,* That the drunkenness of any person holding office under the Constitution or laws of this State shall be good cause for removal from office by the authority and in the manner provided by law.

TITLE V.

TOWNSHIPS AND TOWNSHIP OFFICERS.

CHAPTER XII. The Powers and Duties of Townships, and Election and Duties of Township Officers.

CHAPTER XIII. The Division of Townships.

CHAPTER XIV. Fences and Fence-Viewers; Pounds and the Impounding of Cattle.

CHAPTER XII.

THE POWERS AND DUTIES OF TOWNSHIPS, AND ELECTION AND DUTIES OF TOWNSHIP OFFICERS.

From chapter sixteen of Revised Statutes of 1846.

(636.) SECTION 1. The limits and boundary lines of every organized township shall remain as now established, until otherwise provided by law.

Boundaries of townships.

POWERS AND DUTIES OF TOWNSHIPS.

(637.) SEC. 2. The inhabitants of each organized township shall be a body corporate, and as such may sue and be sued, and may appoint all necessary agents and attorneys in that behalf; and shall have power to purchase and hold real and personal estate for the public use of the inhabitants, and to convey, alienate, and dispose of the same; and to make all contracts that may be necessary and convenient for the exercise of their corporate powers, and any orders for the disposal of their corporate property which they may judge expedient.

Inhabitants of townships to be a body corporate, and may hold and dispose of real estate, etc.

May raise money, for what purposes.

(638.) SEC. 3. The inhabitants of each township shall have power, at any legal meeting, by a vote of the qualified electors thereof, to grant and vote sums of money, not exceeding such amounts as are or may be limited by law, as they shall deem necessary for defraying all proper charges and expenses arising in the township.¹

Orders and by-laws.

(639.) SEC. 4. The inhabitants of each township may, at any legal meeting, by a vote of the qualified electors thereof, make all such orders and by-laws for determining the time and manner in which cattle, horses, swine, sheep, and other animals shall be restrained from going at large in the highways, and for directing and managing the prudential affairs of the township, as they shall judge most conducive to the peace, welfare, and good order thereof.²

Penalties.

(640.) SEC. 5. They may annex to such orders and by-laws suitable penalties, not exceeding ten dollars for any one breach thereof, to be recovered by complaint before any justice of the peace of the township or county where the offense shall have been committed.

By-laws to be published.

(641.) SEC. 6. The by-laws of any township shall, before the same shall take effect, be published, by posting up copies thereof in three of the most public places in the township; and such by-laws, duly made and published, shall be binding upon all persons coming within the limits of the township, as well as upon the inhabitants thereof.

Suits, etc.
4 Mich. 587.

(642.) SEC. 7. All suits, acts, or proceedings, by or against a township, in its corporate capacity, shall be in the name of such township; but every conveyance of lands within the limits of such township, made in any manner, for the use or benefit of its inhabitants, shall have the same effect as if made to the township by name.

Conveyances made for use of township.

TOWNSHIP MEETINGS.

Annual meeting when held.

(643.) SEC. 8. The annual meeting of each township shall be held on the first Monday of April in each year; and at such meeting there shall be an election for the following officers: One supervisor, one township clerk, one treasurer, one school inspector, two directors of the poor, two assessors, if the qualified electors present at the opening of the meeting shall so determine by vote, one commissioner of highways, so many justices of the peace as there are by law to be elected in the township, and so many constables as shall be ordered by the meeting, not exceeding four in number.

Officers to be elected.

¹ See general section 752.

² See Act 71, Laws of 1867, p. 98; and Act 185, Laws of 1867, p. 251.

(644.) SEC. 9. Each of the officers named in the last preceding section shall be chosen by ballot, and before proceeding to choose the officers hereinafter directed to be chosen at such meeting.¹ Officers to be chosen by ballot.

(645.) SEC. 10. There shall also be elected at such meeting, to be chosen *viva voce*, or in such manner as the meeting may direct, one overseer of highways for each road district, and as many pound-masters as the meeting may direct.² Officers to be chosen viva voce.

(646.) SEC. 11. Justices of the peace shall severally hold their offices for four years,³ except when elected to fill a vacancy in office occurring before the expiration of the legal term of four years; and when elected to fill such vacancy, they shall hold during the unexpired portion of such term: *Provided*, That when there shall have been no previous election and classification of justices of the peace in any township, pursuant to the sixth article of the Constitution of this State, the justices elected at such meeting shall be classed and divided by lot, respectively, for one, two, three, or four years, and shall severally hold their offices accordingly. Term of office of justices.

(647.) SEC. 12. Each commissioner of highways shall hold his office for three years and until his successor shall be elected and qualified, except when elected to fill a vacancy, in which case he shall hold during the unexpired portion of the regular term: *Provided*, That when there shall have been no previous election for highway commissioners in any township, there shall be three such highway commissioners elected, one for one year, one for two years, and one for three years: *And provided also*, That at the annual township election, in each of the organized townships, to be held in the year one thousand eight hundred and forty-seven, there shall also be elected three such highway commissioners, one for one year, one for two years, and one for three years. Term of office of commissioners of highways.

(648.) SEC. 13. Each school inspector elected as aforesaid shall hold his office for two years and until his successor shall be elected and qualified, except when elected to fill a vacancy, in which case he shall hold during the unexpired portion of the regular term: *Provided*, That where there shall have been no previous election for school inspectors in any township, there shall be two such inspectors elected, one for one year and one for two years, who shall severally hold their office accordingly. Term of office of school inspectors.

(649.) SEC. 14. Each of the officers elected at such meetings, except justices of the peace, commissioners of highways and school 1843, p. 99, Sec. 24. What officers to hold one year.

¹ As to the last clause of this section, see section 581.

² Laws of 1867, p. 58.

³ See section seventeen, article six, of Constitution.

inspectors, shall hold his office for one year, and until his successor shall be elected and duly qualified.

Officers elected
to fill vacancies.

(650.) SEC. 15. Each township officer elected at a special meeting to fill a vacancy, shall hold his office during the then unexpired portion of the regular term of the office, and no longer, unless again elected.

Meetings, where
to be held.

(651.) SEC. 16. The annual and special township meetings shall severally be held at the place in the township where the last annual township meeting was held, or at such other place therein as shall have been ordered at a previous meeting, or when there has been no such previous meeting, at such place as shall be directed in the act or proceedings by which the township was organized, unless it shall, in either case, become inconvenient to do so.

When place of
meeting may be
changed, and
meeting ad-
journed.

(652.) SEC. 17. Whenever it shall become inconvenient to hold a township meeting at the place designated therefor, the board of inspectors, or a majority of them, after having assembled at, or as near as practicable to such place, and opened the meeting, and before receiving any votes, may adjourn said meeting to the nearest convenient place for holding the same, and at such adjourned place forthwith proceed with the meeting.

1889, pp. 122, 123

Proceedings on
adjournment.

(653.) SEC. 18. Upon adjourning any township meeting, as provided in the last section, the board of inspectors shall cause proclamation thereof to be made, and shall leave a constable or some other proper person at the place where such meeting was opened, to notify all persons arriving at such place that the meeting has been adjourned and the place to which it has been adjourned.

1889, p. 128.

For what pur-
poses meeting
may adjourn.

(654.) SEC. 19. Any annual or special meeting may, by a vote of the meeting, be adjourned to any other day, and from time to time, for the purpose of transacting any proper business of the township except for the election of officers.

First meeting in
townships, when
held.

(655.) SEC. 20. The first township meeting after the organization of any township shall be held on the first Monday in April after its organization, and at such meeting there shall be an election for such officers as are by law to be elected at township meetings.

1889, p. 16, Sec. 1.

Proceedings at
first meeting in
township.

(656.) SEC. 21. At the first township meeting in any township, the qualified electors present, between the hours of nine and ten o'clock in the forenoon, shall choose one of their number as moderator, one of their number as clerk, and two others of their number as inspectors, who shall severally take the oath of office prescribed by the twelfth article of the Constitution, and shall conduct the

1889, p. 17, Sec. 2

proceedings of such meeting in all respects as other township meetings are required by law to be conducted, as near as may be and with the same powers. Const., Art. 18, Sec. 1.

(657.) SEC. 22. If the inhabitants of any newly organized township shall fail to hold their first township meeting on the day specified by law, any three qualified voters of such township may call a meeting of the electors of such township for such township election at any time thereafter, by posting up notices thereof in not less than three public places in such township, at least ten days previous to the holding of such meeting. In case of failure, meeting how called. 1839, p. 17, Sec. 3

(658.) SEC. 23. At such first township meeting the moderator shall administer the oath of office to the other inspectors; and either of the other inspectors, after having been so qualified, may administer the like oath to the moderator. Who to administer oaths. 1839, p. 17, Sec. 4

(659.) SEC. 24. Special township meetings may be held for the purpose of choosing officers to fill any vacancy that may occur, if the township board shall deem it expedient, and make their order therefor; and in case the said township board become disorganized, or reduced below the number of a quorum, as provided by law, by, or through the death or removal of the officers composing the same, or from any other cause, then such special township meeting may be called and proceeded in, in all respects, as in the case of newly organized townships. Special township meetings to fill vacancies; how held.

(660.) SEC. 25. Special township meetings shall also be held, for the purpose of transacting any other lawful business, when ordered by the township board, on a request to them in writing, signed by any twelve electors of the township, specifying therein the purposes for which such meeting is to be held; and the mode of proceeding at all special meetings shall be the same as at the annual meetings. Special meetings for other purposes.

(661.) SEC. 26. Every order for a special township meeting shall specify the purpose for which it is to be held, and the time when and the place where it shall be held; and if any vacancies in office are to be filled at such meeting, such order shall state in what offices vacancies exist, how they occurred, and who were the last incumbents, and if the vacancy be in the office of justice of the peace, such order shall also state at what time the constitutional term of office will expire. Orders for special meeting, what to specify.

¹ As amended by "An act to amend section twenty-four of chapter eighteen of the Revised Statutes of eighteen hundred and forty-six, entitled 'Of the powers and duties of townships, and election and duties of township officers,'" approved January 29, 1858, Laws of 1858, p. 22.

Within what
time after order
meeting to be
held.
18 Mich. 58.

(662.) SEC. 27. The time appointed for holding any special township meeting shall not be more than twenty nor less than fifteen days from the time of making the order therefor; and such order shall be left with the township clerk within two days after the making thereof, and shall be recorded in his office.

Clerk to give
notice.

(663.) SEC. 28. The said clerk shall, within two days after such order shall be left with him, cause copies thereof to be posted up in three of the most public places in the township; and if there be a newspaper printed in such township, he shall also cause a copy to be published therein, if practicable, at least five days before the day appointed for such special meeting.

No notice of
annual meeting.

(664.) SEC. 29. No notice of the annual township meetings shall hereafter be necessary.

MANNER OF CONDUCTING ELECTIONS.

Inspectors of
election.

(665.) SEC. 30. At the election of officers required to be chosen by ballot at the annual township meeting, the inspectors of election shall be the same as at the general election.

Township clerk
to keep minutes

(666.) SEC. 31. The township clerk shall be the clerk of the township meeting, and shall keep faithful minutes of its proceedings, and a correct list of the persons voting at the election; and he shall enter at length in his minutes every order or direction, and all rules and regulations made by such meeting.

When clerk of
meeting to be
appointed by
inspectors.

(667.) SEC. 32. If the township clerk be absent, then such person as shall be appointed by the inspectors for that purpose shall act as clerk of the meeting, first taking an oath, to be administered by one of the inspectors, that he will faithfully perform the duties of his office according to the best of his ability.

Opening and
closing of poll.

(668.) SEC. 33. The polls of the election shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be closed between the hours of three and six o'clock in the afternoon, and the inspectors shall cause proclamation to be made at least one hour before the closing of the polls, that the polls of the election will be closed at or within the specified hour, naming it.

Ballots to be de-
posited in box.

(669.) SEC. 34. When the election is by ballot, the inspectors shall deposit the ballots in a box, to be constructed, kept, and disposed of, as near as may be, in the manner prescribed in chapter five.

Ballots, what to
contain, etc.

(670.) SEC. 35. The ballot shall be a paper ticket, with the names of the persons for whom the elector intends to vote, written or printed, or partly written and partly printed thereon; and shall designate the office to which each person so named is intended by

him to be chosen; but no ballot shall contain a greater number of names as designated to any office, than there are persons to be chosen at such election to fill such office, and each ballot shall be so folded as to conceal the contents, and shall be delivered to one of the inspectors.

(671.) SEC. 36. If at any election there shall be one or more vacancies to be supplied in the office of justice of the peace, school inspectors, or commissioners of highways, and at the same election any such officer is to be elected for the full term, it shall be necessary to designate on the ballot the person or persons voted for to supply such vacancy or vacancies. Designation of persons to fill vacancy.

(672.) SEC. 37. If any person offering to vote at such election, or upon any question arising at such township meeting, shall be challenged as unqualified by any inspector, or any elector entitled to vote at such meeting, the inspector shall proceed thereupon in the manner prescribed in chapter five in case of a challenge at the general election; and no person whose vote shall have been received upon such challenge shall be again challenged upon any other question arising at the same township meeting. Challenges. 18 Mich. 127, 172

(673.) SEC. 38. The inspectors or officer presiding shall have the same authority to preserve order, to enforce obedience, and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election. Authority to preserve order, etc.

(674.) SEC. 39. Between the hours of twelve o'clock at noon and three o'clock in the afternoon there shall be elected the other officers to be elected at said meetings, and all business of said meetings requiring a *viva voce* vote (except that required by section eight of said [this] chapter) shall be then transacted. Viva voce votes and elections.

(675.) SEC. 40. All questions upon motions made at township meetings shall be determined by a majority of the electors voting; and the officer presiding at such meeting shall ascertain and declare the result of the votes upon each question. Questions upon motions, how determined.

CANVASS OF VOTES.

(676.) SEC. 41. The votes given by ballot shall be publicly canvassed by the inspectors at the place where the meeting was held, and the result shall be read by the clerk to the persons there assembled; and such reading shall be sufficient notice to all persons Canvass of votes and determination of result.

¹ Substituted for original section 39, by "An act to repeal section thirty-nine of chapter thirteen of the Revised Statutes of 1846, and to substitute a new section therefor, to stand as section thirty-nine of said chapter," approved February 10, 1855. Laws of 1855, p. 187.

elected at that election to any office whose names are on the poll-list as voters.

Ballots to be counted and compared with poll-list.

(677.) SEC. 42. Before the ballots are opened, they shall be counted and compared with the poll-list, and the like proceedings shall be had as to ballots folded together, and as to differences in number, as are prescribed in chapter five.

Statement of result, etc.

(678.) SEC. 43. The canvass being completed, and the result ascertained, the inspectors shall draw up a statement in writing, setting forth, in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, which statement shall be certified under the hands of the inspectors to be correct.

Statement of determination to be certified and recorded.

(679.) SEC. 44. The inspectors shall also certify upon such statement, their determination of the persons elected to the respective offices, including as well those elected without ballot as those elected by ballot; which statement and certificate of determination shall be left with the township clerk, and recorded in his office.

Who to be deemed elected; when choice to be determined by lot.

(680.) SEC. 45. The persons having received the greatest number of votes given for any office at such election, shall be deemed and declared duly elected; and if two or more persons shall have received an equal number of votes for the same office, the inspectors of election shall determine the choice by lot, and shall declare and certify the same accordingly.

TOWNSHIP OFFICERS.

Oath of office.

(681.) SEC. 46. All officers, except justices of the peace, required to be elected at township meetings by ballot, shall before entering upon the duties of their offices, and within ten days after notice of their election, respectively take and subscribe the oath of office prescribed by the twelfth article of the Constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same; and such oath shall be administered without reward, and certified by the officer before whom the same was taken, with the date of taking the same.

Clerks, when to notify persons elected.

(682.) SEC. 47. Within two days after the election of any officers at a township meeting, the clerk shall transmit to each person elected to any township office, and whose name shall not have been entered on the poll-list at such election as a voter, a notice of his election; and each overseer of highways and pound-master elected at such meeting shall, within ten days after notice

of his election, file with the said clerk a notice in writing of his acceptance, and in default thereof he shall be deemed to have refused to serve.

(683.) SEC. 48. The persons so elected justices of the peace shall enter upon the duties of their offices, respectively, as follows: When justices to enter upon their duties.

First. Those elected for the full term of four years, on the fourth day of July next succeeding their election;

Second. Those elected to fill vacancies, and those elected at the first township meeting in any new township, immediately upon the filing of their oath of office and security with the county clerk, as required by law.

(684.) SEC. 49. When a new township shall be organized, if there be one or more justices of the peace residing therein, they shall be deemed justices thereof, and shall hold their offices according to their respective classes; and only so many justices shall be chosen as shall be necessary to complete the number of four for such township. Justices residing in new townships.

(685.) SEC. 50. Within six days after the election of justices of the peace in such new township, the supervisor shall give notice in writing to the justices elected, and to the township clerk, of the time and place when and where he will meet them, to determine by lot the classes of such justices; which notice shall be served at least six, and not more than twelve days, previous to the time appointed therein for such meeting. Classification of justices.

(686.) SEC. 51. At the time and place so appointed, the supervisor and township clerk shall cause to be written on separate pieces of paper, as near alike as may be, the numbers one, two, three, four, or such and so many of such numbers as shall correspond with the classes which shall be vacant, and shall cause them to be rolled up as nearly alike as may be, and deposited in a box; and the persons elected justices shall severally draw one of the said pieces of paper, and shall be classed according to the number written on the paper so drawn by him, and shall hold his office for such number of years, either one, two, three, or four, as shall correspond with such number so drawn. Mode of classifying.

(687.) SEC. 52. If any person elected a justice shall neglect to attend such drawing, the supervisor shall draw for him; but if the supervisor be absent from his township, or unable to serve, or his office be vacant, the township clerk shall give the notice and perform the duties herein enjoined on such supervisor. When supervisor or to draw for absent justices.

(688.) SEC. 53. Duplicate certificates of such drawing, and of the result thereof, shall be made and certified by the supervisor and Certificates of classification to be made and recorded.

township clerk, or such one of them as shall attend the same, one of which shall be filed with the township clerk and the other with the county clerk, and shall be recorded by said clerks in the books in which the canvass of votes shall have been recorded, and shall be conclusive evidence of the classes to which the justices so elected belong.

Classification in case of election to fill vacancies.

(689.) SEC. 54. In case more than one existing vacancy in the office of justices of the peace shall be supplied by election at any township meeting, the classes of the persons elected to fill the same shall be determined by lot, within the time and in the manner prescribed for classifying justices elected in new townships.

Penalty on officers for neglect to qualify.

(690.) SEC. 55. If any person elected to any township office, except that of justice of the peace, of whom an oath of office is required, who is not exempted by law from holding the office to which he is elected, shall not, within ten days after notice of his election, take and subscribe the oath of office required by law, and cause the same to be filed with the township clerk, or if any such officer of whom a bond or security shall be required, shall not file such bond or security within the time above limited for filing his said oath, he shall forfeit and pay the sum of ten dollars; and if any person elected to the office of overseer of highways or poundmaster, and not exempted by law from holding such office, shall refuse to serve, he shall forfeit and pay the like sum, unless the person selected shall file with the clerk of his township, within said ten days, a written notice stating that he declines accepting the office.¹

RESIGNATIONS, VACANCIES, AND SUPPLYING VACANCIES.

How resignations made.

(691.) SEC. 56. Resignations of all officers elected at township meetings shall be in writing, signed by the officer resigning, and addressed to the township board, and shall be delivered to and filed by the township clerk; and when a justice of the peace resigns, such clerk shall immediately transmit a copy of such resignation, certified by him, to the county clerk.

When office to become vacant.

(692.) SEC. 57. Every township office, including the office of justice of the peace, shall become vacant, upon the happening of either of the events specified in chapter fifteen, as creating a vacancy.

¹ As amended by Act 906 of 1848, p. 818, section 4.

(693.) SEC. 58. Whenever there shall be a vacancy, or when the incumbent shall, from any cause, be unable to perform the duties of his office, in either of the township offices, except that of justice of the peace and township treasurer, the township board may make temporary appointments of suitable persons to discharge the duties of such offices respectively; and such persons, so appointed, shall take the oath of office, or file the notice of acceptance required by law, and shall continue to discharge such duties until the office is filled by election, or until the disability aforesaid be removed.¹

Temporary appointments in certain cases to be made by township board.

1848, p. 20.

(694.) SEC. 59. In case the treasurer of any township shall refuse to serve, or shall vacate his office before completing the duties thereof, or be disabled from completing the same, by reason of sickness or any other cause, the township board shall forthwith appoint a treasurer for the remainder of the term, who shall give like security, and be subject to like duties and responsibilities, and have the same powers and compensation, as the treasurer in whose place he was appointed, and the township clerk shall immediately give notice thereof to the county treasurer; but such appointment shall not exonerate the former treasurer, or his sureties, from any liability incurred by him or them.

When township treasurer to be appointed by board.

An Act to provide for filling vacancies in the office of overseer of highways.

[Approved March 13, 1867. Laws of 1867, p. 64.]

(695.) SECTION 1. *The People of the State of Michigan enact,* That whenever any vacancy shall occur in the office of overseer of highways, which the commissioners of highways shall be unable to fill under existing provisions of law, it shall be their duty and they are hereby authorized to designate some other overseer of highways of the same township, or one of their own number, to perform the duties of such vacated office; and the person so designated shall have the same powers, be subject to the same orders, and liable to the same penalties, as overseers chosen in township meetings.

SEC. 2. This act shall take immediate effect.

SUPERVISOR.

(696.) SEC. 60. The supervisor of each township shall prosecute, in the name of the people of this State, or otherwise, as may be necessary, for all penalties and forfeitures incurred within his

Supervisor to prosecute for penalties.

¹ See the following act.

township, and for which no other officer is specially directed to prosecute.

To be an assessor, 1848, p. 64, Sec. 12.

(697.) SEC. 61. He shall, by virtue of his office, be an assessor of his township.

Supervisor to preserve books, etc., and give copies.

(698.) SEC. 62. The supervisor shall preserve and keep all books, assessment rolls, and other papers belonging to his office, and shall deliver the same on demand to his successor in office; and on application of any person, he shall give certified copies of any such papers, or abstracts from any assessment roll or books in his office; and for making any such copies or abstracts, he shall be entitled to receive from the person applying therefor, six cents for each folio; but no such copy, or abstract and certificate, shall be required for less than twelve and a half cents; and such certified copies or abstracts shall be presumptive evidence of the facts therein contained.

1848, p. 70.

To attend meetings of board of supervisors.

(699.) SEC. 63. The supervisor of each township shall attend the annual meeting of the board of supervisors of the county, and every adjourned or special meeting of such board of which he shall have notice.

To lay before board entries concerning moneys to be raised.

(700.) SEC. 64. Each supervisor shall lay before the board of supervisors such copies of entries concerning moneys voted to be raised in his township, as shall be delivered to him by the township clerk.

TOWNSHIP CLERK.

Township clerk to keep records, etc., of township.

(701.) SECTION 65. The township clerk of each township shall have the custody of all the records, books, and papers of the township, when no other provision is made by law; and shall duly file and safely keep all certificates of oaths, and other papers required by law to be filed in his office, and record such as are required to be recorded therein. He shall also open and keep an account with the treasurer of his township, and shall charge such treasurer with all funds which shall come into his hands by virtue of his office, and shall credit him with all moneys paid out by him on the order of the proper authorities of his township. He shall also open and keep a separate account with each of the several funds belonging to his township, and shall credit each of said funds with such amounts as properly belong to them, and shall charge them severally with all warrants drawn on the township treasurer, and payable from said funds respectively.¹

¹ As amended by Act 66 of 1855, p. 55.

(702.) SEC. 66. He shall transcribe in the book of records of his township the minutes of the proceedings of every township meeting held therein, and he shall enter in such book every order or direction, and all rules and regulations made by any such township meeting. Minutes of township meeting.

(703.) SEC. 67. The township clerk of each township shall, immediately after the qualifying of the several township officers elected or appointed in their respective townships, return to the clerks of their respective counties the names of all such officers. Town clerk to return names of officers elect to county clerk.

(704.) SEC. 68. Each township clerk shall, immediately after the election of any justices of the peace in his township, transmit a written notice thereof to the county clerk, stating therein the names of the persons so elected, and the terms for which they were respectively elected; and if one or more of them has been elected to fill a vacancy, he shall state in such notice who was the last incumbent of the office. To give notice of election of justices.

(705.) SEC. 69. Each township clerk shall, immediately on entering upon the duties of his office, appoint a deputy, who shall take an oath of office and file the same with the clerk; and in case of the absence, sickness, death, or other disability of the clerk such deputy shall perform the duties of such clerk and receive the same compensation as the clerk would have been entitled to receive therefor. To appoint a deputy; duties of deputy.

TOWNSHIP BOARD.

(706.) SEC. 70. The supervisor, the two justices of the peace whose term of office will soonest expire, and township clerk shall constitute the township board, any three of whom shall constitute a quorum for the transaction of business. Who shall constitute township board.

(707.) SEC. 71. When, from any cause, there shall not be three of the officers constituting such board competent or able to act, one of the remaining justices, on being notified by any member of said board, shall meet with any members of the board, and shall have the same authority as the other members of the board. When quorum not present, one of remaining justices to act.

(708.) SEC. 72. The township board shall meet annually on the Tuesday next preceding the annual township meeting to be held in such township, for the purpose of auditing and settling all claims against the township; and they shall state on each account the amount allowed by them; and the amounts allowed by them shall be paid by the treasurer on the order of the board, signed by their clerk and countersigned by the chairman of the board. Annual meeting of township board for auditing accounts, etc

¹ As amended by Act 106 of the Laws of 1899, p. 171, approved April 8, 1899.

Settlement with
treasurer and
other officers.

(709.) SEC. 73. The said board shall, at their annual meeting in each year, examine and audit the accounts of the township treasurer, for all moneys received and disbursed by him as such treasurer; and they shall also audit and settle the accounts of all other township officers, who are authorized by law to receive or disburse any public moneys by virtue of their offices.

Clerk of board.

(710.) SEC. 74. The township clerk shall be the clerk of such board, and shall keep a true record of all their proceedings, in his office.

All accounts to
be filed, and
produced at
annual meeting.
16 Mich. 223.

(711.) SEC. 75. All the accounts audited by such board shall be filed and preserved by such clerk, for the inspection of any of the inhabitants of the township, and shall be produced at the next annual township meeting, and there read by him, if the same shall be required by the meeting.

TREASURER.

Duties of treas-
urer.

(712.) SEC. 76. The township treasurer shall receive and take charge of all moneys belonging to the township, or which are by law required to be paid into the township treasury, including all moneys that may accrue to his township on account of non-resident highway taxes, and shall pay over and account for the same, according to the order of such township, or the officers thereof duly authorized in that behalf; and shall perform all such other duties as shall be required of him by law.

1841, p. 159, Sec.
4.

Bond of treas-
urer.

(713.) SEC. 77. Each township treasurer, within the time limited for filing his oath of office, and before he shall enter upon the duties of his office, shall give a bond to the township in such sum and with such sureties as the supervisor shall require and approve, conditioned for the faithful discharge of the duties of his office, and that he will faithfully and truly account for, and pay over according to law, all moneys which shall come into his hands as such treasurer; and the supervisor shall endorse his approval thereon. It shall be the duty of such treasurer to file, within the time above mentioned, said bond with the township clerk of such township, who shall record the same in a book to be provided for that purpose. The township clerk shall, after recording the same, deliver it to the supervisor, who shall file it in his office.¹

Sureties ap-
proved by super-
visor.

Where bond
filed.

Clerk to record
same and deliver
to supervisor.

Treasurer to
keep account of
receipts and ex-
penditures.

(714.) SEC. 78. Each township treasurer shall keep a just and true account of the receipts and expenditures of all moneys which shall come into his hands by virtue of his office, in a book to be

¹ As amended by Act 90 of the Laws of 1899, p. 155, approved April 2, 1899.

provided for that purpose at the expense of the township, and to be delivered to his successor in office.

(715.) SEC. 79. On the Tuesday next preceding the annual township meeting, he shall account with the township board of the township for all moneys received or disbursed by him. To settle with township board.

An Act to provide for additional sureties from township treasurers in certain cases.

[Approved March 13, 1867. Laws of 1867, p. 70.]

(716.) SECTION 1. *The People of the State of Michigan enact,* Insufficient sureties.
That whenever the sureties in the bond given by any township treasurer to the county treasurer, as required by law, shall become insolvent, or shall remove out of the county, or shall in the opinion of the county treasurer become in any manner insufficient, the county treasurer shall give notice thereof to the supervisor of the township, and that such township treasurer is required to give a new bond to the county treasurer.

(717.) SEC. 2. Whenever the sureties in the bond given by any township treasurer to his township, as required by law, shall become insolvent, or shall remove out of the county, or shall in the opinion of the township board become in any manner insufficient, or whenever the penal sum named in such bond shall by said board be deemed insufficient, the township board may require the township treasurer to give a new bond to the township, with sufficient sureties, to be approved as required by law. When a new bond is required of township treasurers.

(718.) SEC. 3. Whenever the county treasurer or township board of the township shall require a new bond of the township treasurer, as in this act provided, it shall be the duty of the supervisor forthwith to notify such township treasurer in writing of such requirement, and that he is required to give such new bond or bonds, as the case may be, within such time, not less than five nor more than ten days after such notice, as the supervisor may prescribe. Supervisor notifies treasurer.

(719.) SEC. 4. When any new bond shall be required of any township treasurer as herein provided, it shall be his duty to give the same to the township or the county treasurer, as the case may be, within the time prescribed by the supervisor; such bond to be of the amount and to be approved as now required by law in cases of bonds required to be given by such treasurers to the township or to the county treasurer. When bond shall be given.

(720.) SEC. 5. If any township treasurer shall neglect or refuse to give any new bond required of him as herein provided, such Neglect or refusal to give new bond.

refusal or neglect shall be deemed a refusal to serve, and thereupon the township board shall appoint a new treasurer for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation, as the treasurer in whose place he was appointed; and the township clerk shall immediately give notice of such appointment to the county treasurer; but such appointment shall not exonerate the former treasurer or his sureties from any liability incurred by him or them.

He or his sureties continue liable.

Shall deliver to new treasurer all moneys, etc.

(721.) SEC. 6. Whenever any township treasurer appointed as provided in the preceding section shall have given the security required by law, the former treasurer shall forthwith deliver over all moneys in his hands by virtue of his office, and the tax roll for the year (if the same shall have been delivered to him), to such new treasurer; and shall, whenever required by the township board of the township, account to them for all moneys received or disbursed by him.

Security required before delivering tax roll.

(722.) SEC. 7. When any new bond shall be required of any township treasurer, as in this act provided, the tax roll of the township for the year shall not be delivered to him until he shall have given the required security.

SEC. 8. This act shall take immediate effect.

CONSTABLES.

Constable to give security.

(723.) SEC. 80. Every person elected or appointed to the office of constable, before he enters upon the duties of his office, and within the time prescribed by law for filing his official oath, shall execute, with sufficient sureties, to be approved by the supervisor or clerk of his township, an instrument in writing, by which said constable and his sureties shall jointly and severally agree to pay, to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay, on account of any neglect or default of said constable in the service or return of any process that may be delivered to him for service or collection.¹

Approval and filing security.

(724.) SEC. 81. Such supervisor or township clerk shall indorse on such instrument his approbation of the sureties therein named, and shall then cause the same to be filed in the office of the township clerk, and a copy of such instrument, certified by the town-

¹ As amended by "An act to amend section eighty of chapter sixteen in title four of the Revised Statutes of eighteen hundred and forty-six," approved February 10, 1855. Laws of 1855, p. 84.

ship clerk, shall be presumptive evidence of the contents and execution thereof and all actions against a constable or his sureties, upon any such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been elected.

(725.) SEC. 82. Constables shall serve all warrants, notices, and process lawfully directed to them by the township board, or the township clerk, or any other officer, and shall perform such other duties as are required of them by law. To serve warrants, notices, etc.

(726.) SEC. 83. Any constable may serve any writ, process, or order lawfully directed to him, in any township in his county. Constable may serve process in any township in his county.

(727.) SEC. 84. Constables shall be ministerial officers of justices of the peace, and shall attend upon the sessions of the circuit courts for their respective counties, when notified for that purpose by the sheriff. Constables ministerial officers, and to attend courts.

COMMISSIONERS AND OVERSEERS OF HIGHWAYS.

(728.) SEC. 85. Every commissioner of highways, and every overseer of highways, having accepted his office, shall, for every neglect of the duties of his office, forfeit the sum of ten dollars. Penalty on commissioners and overseers of highways for neglect of duty

(729.) SEC. 86. Any of the said commissioners or overseers of highways may be prosecuted by indictment, for any deficiency in the highways within his limits, occasioned or continued by his fault or neglect; and on conviction thereof, may be fined in any sum not exceeding fifty dollars. May be indicted for deficiency in highways. 4 Mich. 557; 19 Mich. 137.

(730.) SEC. 87. Each of said commissioners of highways, before entering upon the duties of his office, and within the time limited by law for filing his official oath, shall give bonds, with one or more sufficient sureties, to the township, in the penal sum of five hundred dollars, to be approved by the supervisor or township clerk, conditioned for the faithful performance of the duties of his office, and the faithful disbursement of all moneys that may come into his hands by virtue of his office. Said commissioners may require any one or all of said overseers of highways, before entering upon the duties of their office, to give bond, with one or more sufficient sureties, in such sum as may be required by said commissioners, and to be approved by them, conditioned for the faithful performance of the duties of their office, and the faithful disbursement of all moneys that may come into their hands by virtue of their office.¹ Oaths and bonds of commissioners of highways. Bonds of overseers of highways.

¹As amended by Act 29 of the Laws of 1867, p. 38, approved February 27, 1867. Immediate effect.

Approving and
filing bond.

(731.) SEC. 88. The supervisor or township clerk shall indorse his approval on such bond, and shall cause the same to be filed with the township clerk, who shall safely keep the same in his office.

Clerk of com-
missioners, his
duties.

(732.) SEC. 89. The township clerk of each township shall be the clerk of the board of commissioners of highways, and shall, under their direction, record their proceedings in a suitable book, to be provided by him for that purpose at the expense of his township, and shall keep an accurate account of all orders drawn by them on the township treasurer, stating the amount of each, and in whose favor the same was drawn; and all books and papers relating to the business of said commissioners, shall be preserved and kept by him in his office.

1841, p. 159, Sec.
2 and 8.

An Act to provide for the election of overseers of highways, by ballot, in the Upper Peninsula of Michigan.

[Approved March 9, 1867. Laws of 1867, p. 58.]

Election of over-
seers of high-
ways.

(733.) SECTION 1. *The People of the State of Michigan enact,* That at each annual township meeting held in each organized township (or in any township that may be organized hereafter) in the Upper Peninsula, on the first Monday of April in each year, there may be elected, by ballot, one overseer of highways for each road district in said township.

Manner of
electing over-
seer.

(734.) SEC. 2. The name of the overseer, and where a township is divided into two or more districts, the number of the district shall be designated as district number one, district number two, and so on to the required number of districts in said township, shall be on the same ballot with the other township officers, and be elected in the same manner as is now provided by law for the election of township officers by ballot.

Board of com-
missioners of
highways to fill
vacancies.

(735.) SEC. 3. Should any of said townships neglect to elect overseers of highways, as provided in this act, or should the office for any cause become vacant, or should a new road district or districts be formed in any of the townships, it shall be the duty of the board of commissioners of highways of the township to fill such vacancies and appoint an overseer of highways for any new road district, who shall hold his office until the next annual township meeting and until his successor is elected and qualified according to law.

SEC. 4. This act shall take immediate effect.

JUSTICES OF THE PEACE.

(736.) SEC. 90. Each justice of the peace elected to fill a vacancy, Oath of justices of the peace. and each justice elected for a term less than four years, within ten days after notice of his election, and each justice of the peace elected for the full term of four years, on or before the fourth day of July next after his election, shall take and subscribe his oath of office before some officer authorized to administer oaths, and file the same with the county clerk.

(737.) SEC. 91. Each justice of the peace, before he enters upon the duties of his office, and within the time limited by law for Justices to give security. filing his official oath, shall execute, in the presence of the supervisor of his township, or of the county clerk, with one or more sufficient sureties, to be approved of by such supervisor or county clerk, an instrument in writing, by which such justice and his sureties shall jointly and severally agree to pay to each and every person entitled thereto, all such sums of money as such justice shall become liable to pay, for or on account of any money which may come into his hands as a justice of the peace, upon demand thereof made by such person, his agent or attorney.

(738.) SEC. 92. Such supervisor or county clerk shall indorse Approval of sureties and filing of instrument. on such instrument his approval of the sureties therein named, and such justice shall then cause the same to be filed in the office of the county clerk, and a copy of such instrument, certified by such clerk under his hand and seal, shall be presumptive evidence of the contents and execution thereof.

(739.) SEC. 93. If any justice of the peace shall fail to comply with such agreement, it shall be competent for any person to When and how justice and sureties may be sued, etc. whom such justice shall have become liable by reason of such failure, to sue such justice and his sureties, or any of them, in assumpsit, and to declare against them generally, for money had and received to the use of the plaintiff; and if the plaintiff, on the trial of such suit, shall establish his right to recover, he shall have judgment for principal, interest, and costs.

(740.) SEC. 94. If any justice of the peace shall enter upon the execution of his office before having filed his official oath, or such Penalty for entering upon his office without filing oath, etc. agreement as aforesaid, as required by law, he shall forfeit the sum of one hundred dollars.

COMPENSATION TO TOWNSHIP OFFICERS.

(741.) SEC. 95. The following township officers shall be entitled Officers' compensated. to compensation at the following rates for each day actually and

necessarily devoted by them to the service of the township, in the duties of their respective offices, to be verified by affidavit, whenever required by the township boards:

Rate. *First.* The officers composing the township board, board of registration, board of health, inspectors of election, clerks of the poll, commissioners of highways, and school inspectors, one dollar and fifty cents per day, and at the same rate for parts of days.

Ibid. *Second.* The township clerk, as clerk of the board of commissioners of highways, of the township board, and of the board of school inspectors, one dollar and fifty cents per day, and at the same rate for parts of a day; but no township officer shall be entitled to pay for acting in more than one capacity at the same time.¹

Compensation for other services (742.) SEC. 96. For services not otherwise provided for by law, rendered to townships by township officers in the duties of their respective offices, the township board shall audit and allow such compensation as they shall deem reasonable.

TOWNSHIP BUSINESS, OTHER THAN ELECTIONS.

Moderator of township meeting. (743.) SEC. 97. In the transaction of any business other than the election of officers in any township meeting, the supervisor, if present, shall be the moderator of the meeting; and if he shall not be present, any other of the inspectors of election, except the clerk, who shall be designated by the inspectors present, shall be the moderator; or the meeting, under the direction of the inspectors present, may elect, *viva voce*, a moderator of the meeting.

Powers and duties of moderator (744.) SEC. 98. The moderator shall preside in and regulate the proceedings of the meeting; he shall decide all questions of order, and make public declaration of all votes passed; and when any vote so declared by him shall immediately upon such declaration be questioned by seven or more of the voters, he shall make the vote certain by polling the voters, or dividing the meeting, unless the township shall, by a previous vote, or by their by-laws, have otherwise provided.

Ibid. (745.) SEC. 99. No person shall address the meeting before permission obtained of the moderator, nor while any other person is speaking by his permission; and all persons at such meeting shall be silent at the request of the moderator.

Disorderly conduct at township meetings. (746.) SEC. 100. If, at any township meeting, any person shall conduct himself in a disorderly manner, and, after notice from the

¹ As amended by 179 of the Laws of 1867, p. 233, approved and took effect March 27, 1867.

moderator, shall persist therein, the moderator may order him to withdraw from the meeting; and on his refusal, may order the constables, or any other persons, to take him into custody until the meeting be adjourned.

(747.) SEC. 101. Any person who shall refuse to withdraw from such meeting, on being ordered by the moderator to do so, as provided in the preceding section, shall, for every such offense, forfeit a sum not exceeding twenty dollars. Penalty for disregarding order of moderator.

QUALIFICATIONS OF VOTERS. AND OFFICERS.

(748.) SEC. 102. Each inhabitant of any township, having the qualifications of an elector, as specified in the Constitution of this State, and no other person, shall have a right to vote on all matters and questions before any township meeting; and when any person claiming the right to vote shall be challenged by a voter, the moderator shall proceed in the same manner as on challenges at the election of township officers. Who may vote; challenges.

(749.) SEC. 103. No person, except an elector as aforesaid, shall be eligible to any elective office contemplated in this chapter. Eligibility to office.

An Act to amend chapter sixteen of the Revised Statutes of eighteen hundred and forty-six.

[Approved April 3, 1848. Laws of 1848, p. 253.]

(750.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of each township shall be the agent for his township, for the transaction of all legal business, by whom suits may be brought and defended, and upon whom all process against the township shall be served. Supervisor to be agent for his township.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act to authorize township boards to raise money in certain cases, to defray township expenses.

[Approved March 31, 1849. Laws of 1849, p. 244.]

(751.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever the qualified electors of any township, at the annual township meeting, shall neglect or refuse to vote such sum or sums of money as may be necessary to defray the ordinary township expenses, the town- Township boards to raise money for township purposes when township meeting have neglected to do so. 16 Mich. 228.

ship board of any such township is hereby authorized, at any regular meeting, to vote such sum or sums as may be necessary for that purpose, not exceeding such amounts as are or may be limited by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act to authorize the several townships of this State to raise money by tax, or to borrow money, to build or repair bridges.

[Approved March 25, 1867. Laws of 1867, p. 135.]

- (752.) SECTION 1. *The People of the State of Michigan enact,*
- Authorized tax to build bridges. That it shall be lawful for any township in this State to vote for and raise by tax a sum not exceeding one per cent of the assessed value of the real and personal estate for the preceding year, for the purpose of building and repairing bridges; and it shall be lawful
- To borrow money. for such townships to borrow money for such purposes upon the terms and conditions hereinafter mentioned: *Provided,* The aggregate of such loans shall not exceed three per cent of the amount of the assessed valuation of the real and personal property: *And*
- Proviso. *further provided,* That no larger sum than one per cent on the valuation shall be raised in any one year, to pay the interest or principal of such loans.
- Proviso.
- (753.) SEC. 2. It shall be the duty of the township clerk, upon the written application of ten legal voters who are freeholders within such township, to give notice, by a written or printed notice, to be by him posted up in five of the most public places in said township, at least two weeks previous to the annual township meeting, or of a special meeting, of the intention to vote, by ballot, on a tax or loan, in pursuance of the provisions of this act; and at such meeting the question shall be submitted to the voters, and the majority of the voters voting at such elections may determine as to raising a tax or making a loan, for the purposes in the first section of this act mentioned.
- Notice of clerk to voters.
- (754.) SEC. 3. The bonds of the township may be issued by the township board upon such conditions, as to time of payment, but in no case to exceed ten years from date, as the legal voters may, by resolution, direct, but shall not be disposed of at a price less than their par value; said bonds to draw interest at a rate not exceeding ten per cent.
- Majority to determine tax.
- Township bonds at par value.
- With interest.
- (755.) SEC. 4. The money raised by tax, or borrowed upon loan, shall be expended on the bridges within such township, under the
- Voters to determine expending moneys.

direction of the commissioner[s] of highways; but the legal voters of each township may, at the time of voting upon such tax or loan, designate any particular bridge or bridges upon which to expend such money so voted or loaned.

SEC. 5. This act shall take immediate effect.

An Act to provide for the purchase of a collection of the township laws for the several townships of this State.

[Approved March 16, 1861. Laws of 1861, p. 487.]

(756.) SECTION 1. *The People of the State of Michigan enact,* Purchase of township laws authorized.
That the county treasurers of the several and respective counties are hereby authorized and empowered to purchase, for the use of the several townships in their respective counties, such a number of copies of a collection of the township laws of this State as may be necessary to supply a copy thereof to each of the several township officers, and the overseers of the highways, in such of the townships as shall avail themselves of this act.

(757.) SEC. 2. Each and every township in this State may, at any township meeting, by a vote, determine whether it will avail itself of this act; and the clerk of every township which shall, by a vote at a township meeting, decide to obtain a collection of said laws, shall, immediately after such vote, give notice thereof to the county treasurer. How townships are to avail themselves of this act.

(758.) SEC. 3. When any township shall have decided to obtain a collection of such laws, it shall be the duty of the supervisor thereof to assess and levy, upon the taxable property of such township, a tax, as a township tax, sufficient to purchase the requisite number of copies of such collection of laws, at a price not exceeding seventy-five cents per copy, to supply such township; and the said tax shall be collected and paid into the county treasury, to be expended by the treasurer for the purposes of this act. Supervisor to assess tax therefor.

(759.) SEC. 4. Upon the return of the tax, as herein provided, into the county treasury, the treasurer shall purchase for and distribute among such and every of the townships of the county as shall have raised and paid said tax, the requisite number of said books to supply such township to the extent of such tax, at not exceeding the price above mentioned. Money to be paid to county treasurer.

SEC. 5. This act shall take effect immediately. County treasurer to purchase books voted.

An Act to define and limit the amount of money which may be granted and voted by the qualified electors of townships, for the purpose of erecting town halls or other buildings for the public use of the inhabitants thereof.

[Approved March 27, 1867. Laws of 1867, p. 214.]

Not exceeding
one per cent.

(760.) SECTION 1. *The People of the State of Michigan enact,* That the inhabitants of each township may, at any legal meeting, by a vote of the qualified electors thereof, grant and vote any sum of money, not exceeding one per cent in any one year upon the assessed valuation of the taxable real and personal estate of such townships, as appears by the last equalized and perfected tax-roll of the townships, for the purpose of erecting a town hall, or other building or buildings required for the public use of such inhabitants, in whole or in part, for township purposes: *Provided,* That no such vote shall be taken, nor appropriation made, at such legal meeting of any township, unless a notice of intention to move for such a vote and appropriation, signed by at least twelve freeholders of such township, shall have been posted up in five of the most public places in such township, at least ten days previous to the day of such meeting, which said notice shall specify the amount to be raised for such purpose: *And provided further,* That no money shall be raised by tax until a majority of the qualified electors, voting at such meeting, shall by ballot, authorize the same.

Proviso.

Posting notice
of meeting.

Proviso.

CHAPTER XIII.

THE DIVISION OF TOWNSHIPS.

Chapter seventeen of Revised Statutes of 1846.

Disposition of
lands on division
of township, and
apportionment
of proceeds.

(761.) SECTION 1. When a township seized of lands shall be divided into two or more townships, the township boards of the several townships constituted by such division shall meet as soon as may be after the first township meetings subsequently held in such townships, and, when so met, shall have power to make such

agreement concerning the disposition to be made of such township lands, and the apportionment of the proceeds in case of a sale thereof, as they shall think equitable, and to take all measures and execute all conveyances which may be necessary to carry said agreement into effect.

(762.) SEC. 2. When a township shall be altered in its limits, by annexing a part of its territory to another township or townships, the township board of the township from which such territory shall be taken, and of the township or townships to which the same shall be annexed, shall, as soon as may be after such alteration, meet for the purpose, and possess the powers provided in the preceding section.

Proceedings on alteration of township.

(763.) SEC. 3. If no agreement for the disposition of such lands shall be made by the township boards within six months after such alteration or division, then the township board of each township in which any portion of such lands shall lie, shall proceed, as soon as may be thereafter, to sell and convey such part of said lands as shall be included within the limits of such township; and the proceeds arising from such sale shall be apportioned between the several townships interested therein, by the township boards of all such townships, according to the amount of taxable property in the township divided or altered, as it existed immediately before such division or alteration, to be ascertained by the last assessment roll of such township.

If no agreement is made, lands to be sold.

(764.) SEC. 4. When a township possessed of or entitled to money, rights, and credits, or other personal estate, shall be so divided or altered, such moneys, rights, credits, and personal estate, including moneys belonging to the township, in the hands of township officers, shall be apportioned between the townships interested therein, by the township boards of such townships, according to the rule of apportionment above prescribed; and they shall meet for that purpose as soon as may be after the first township meetings subsequently held in such townships.

Moneys, etc., how apportioned in case of division, etc.

(765.) SEC. 5. Whenever a meeting of the township boards of two or more townships shall be required in order to carry into effect the provisions of this chapter, such meeting may be called by either of the supervisors; but the supervisor calling the same shall give at least six days' notice in writing to all the other officers, of the time and place at which such meeting is to be held.

Meeting of township boards, how called.

(766.) SEC. 6. The preceding sections of this chapter shall not apply to any cemetery or burying grounds belonging to a town-

Qualification of preceding sections.

ship; but the same shall belong to the township within which it may be situated, after a division shall have been made.

Debts, how apportioned.

(767.) SEC. 7. Debts owing by a township so divided or altered, shall be apportioned in the same manner as the personal property of such township; and each township shall thereafter be charged with, and pay its share of the debts, according to such apportionment.

CHAPTER XIV.

FENCES AND FENCE-VIEWERS; POUNDS AND THE IMPOUNDING OF CATTLE.

Chapter eighteen of Revised Statutes of 1844.

FENCES AND FENCE-VIEWERS.

What constitutes lawful fence.
17 Mich. 417.

(768.) SECTION 1. All fences four and a half feet high, and in good repair, consisting of rails, timber, boards, or stone walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches, and hedges, or other things which shall be considered equivalent thereto in the judgment of the fence-viewers within whose jurisdiction the same may be, shall be deemed legal and sufficient fences.

Partition fences, how maintained.
17 Mich. 417.

(769.) SEC. 2. The respective occupants of lands enclosed with fences shall keep up and maintain partition fences between their own and the next adjoining enclosures, in equal shares, so long as both parties continue to improve the same.

Proceedings in case of neglect to repair or rebuild.
17 Mich. 417.

(770.) SEC. 3. In case any party shall neglect to repair or rebuild any partition fence, which of right he ought to maintain, the aggrieved party may complain to two or more fence-viewers of the township, who, after due notice to each party, shall proceed to examine the same; and if they shall determine that the fence is

insufficient, they shall signify the same in writing to the delinquent occupant of the land, and direct him to repair or rebuild the same within such time as they shall judge reasonable ; and if such fence shall not be repaired or rebuilt accordingly, it shall be lawful for the complainant to repair or rebuild the same.

(771.) SEC. 4. When any deficient fence, built up or repaired by any complainant as provided in the preceding section, shall be adjudged sufficient by two or more of the fence-viewers, and the value of such repairing or building up, together with their fees, shall be ascertained by a certificate under their hands, the complainant shall have a right to demand, either of the occupant or owner of the land where the fence was deficient, double the sum so ascertained ; and in case of neglect or refusal to pay the sum so due, for one month after demand thereof made, the complainant may recover the same, with interest at one per cent a month, in an action for money paid, laid out and expended.

Remedy of complainant for repairs, etc.
17 Mich. 417.

(772.) SEC. 5. When any controversy shall arise about the rights of the respective occupants in partition fences, or their obligation to maintain the same, either party may apply to two or more fence-viewers of the township where the lands lie, who, after due notice to each party, may in writing assign to each his share thereof, and direct the time within which each party shall erect or repair his share of the fence in the manner before provided ; which assignment, being recorded in the township clerk's office, shall be binding upon the parties, and upon all the succeeding occupants of the lands ; and they shall be obliged always thereafter to maintain their respective portions of said fence.

In case of controversy, fence-viewers to assign.
17 Mich. 417.

(773.) SEC. 6. In case any party shall refuse or neglect to erect and maintain the part of any fence assigned to him by the fence-viewers, the same may be erected and maintained by the aggrieved party, in the manner before provided ; and he shall be entitled to double the value thereof, ascertained in the manner aforesaid, and to be recovered in like manner.

In case of neglect, etc., party erecting and maintaining fence entitled to double the value
17 Mich. 417.

(774.) SEC. 7. When, in any controversy that may arise between occupants of adjoining lands as to their respective rights in any partition fence, it shall appear to the fence-viewers that either of the occupants had, before any complaint made to them, voluntarily erected the whole fence, or more than his just share of the same, or otherwise become proprietor thereof, the other occupant shall pay for so much as may be assigned to him to repair or maintain, the value of which shall be ascertained and recorded in the manner provided in this chapter.

When occupant to pay for portion of fence assigned to him.

Partition fences to be kept repaired through the year.

(775.) SEC. 8. All partition fences shall be kept in good repair throughout the year, unless the occupants of the lands on both sides shall otherwise mutually agree.

When lands bounded or divided by river, etc., and parties disagree, viewers may be had.

(776.) SEC. 9. When lands of different persons, which are required to be fenced, are bounded upon, or divided by, any river, brook, pond, or creek, which of itself, in the judgment of the fence-viewers, is not a sufficient fence, and it is in their opinion impracticable, without unreasonable expense, for the partition fence to be made in such waters, in the place where the true boundary line is, if in such case the occupant of the land on the one side shall refuse or neglect to join with the occupant of the land on the other side in making a partition fence on the one side or the other, or if such persons shall disagree respecting the same, then two or more fence-viewers of the township wherein such lands lie, on application to them made, shall forthwith proceed to view such river, brook, pond, or creek.

Proceedings of fence-viewers.

(777.) SEC. 10. If such fence-viewers shall determine such river, brook, pond, or creek, in the preceding section mentioned, not to answer the purpose of a sufficient fence, and that it is impracticable, without unreasonable expense, to build a fence on the true boundary line, they shall, after giving notice to the parties, determine how, or on which side thereof, the fence shall be set up and maintained, or whether partly on one side and partly on the other side, as to them shall appear just, and shall reduce such determination to writing, and sign the same; and if either party shall refuse or neglect to make and maintain his part of the fence, according to the determination of the fence-viewers, the same may be made and maintained by the other party as before provided in this chapter, and the delinquent party shall be subject to the same charges and costs, to be recovered in like manner.

When lands owned in severalty have been occupied in common, any occupant may have lines divided.

(778.) SEC. 11. When any lands, belonging to different persons in severalty, shall have been occupied in common, without a partition fence between them, and one of the occupants shall be desirous to occupy his part in severalty, and the other occupant shall refuse or neglect, on demand, to divide with him the line where the fence ought to be built, or to build a sufficient fence on his part of the line when divided, the party desiring it may have the same divided and assigned by two or more fence-viewers, of the same township, in the manner provided in this chapter.

When viewers may assign time for making fence; consequence of neglect

(779.) SEC. 12. Upon the division and assignment as provided in the preceding section, the fence-viewers may, in writing, under their hands, assign a reasonable time for making the fence, having

regard to the season of the year, and if either party shall not make his part of the fence within the time so assigned, the other party may, after having completed his own part of the fence, make the part of the other, and recover therefor double the ascertained expenses thereof, together with the fees of the fence-viewers, in the manner provided in this chapter.

(780.) SEC. 13. When one party shall cease to improve his land, or shall open his enclosure, he shall not take away any part of the partition fence belonging to him and adjoining the next enclosure, if the owner or occupant of such adjoining enclosure will, within two months after the same shall be ascertained, pay therefor such sum as two or more fence-viewers shall, in writing, under their hands, determine to be the value of such partition fence belonging to such party. When partition fence not to be removed.

(781.) SEC. 14. When any unenclosed land shall be afterwards enclosed, the occupant or owner thereof shall pay for one-half of each partition fence standing upon the line between his land and the enclosure of any other occupant or owner, and the value thereof shall be ascertained by two or more fence-viewers of the township, in writing, under their hands, in case the parties do not agree; and if such occupant or owner shall neglect or refuse, for thirty days after the value has been so ascertained and demand made, to pay for one half of such partition fence, the proprietor of such fence may maintain an action in the form aforesaid, for such value, and the costs of ascertaining the same. When occupant or owner to pay one-half of partition fence, etc.

(782.) SEC. 15. In all cases where the line, upon which a partition fence is to be made, or to be divided, is the boundary line between townships, or partly in one township and partly in another, a fence-viewer shall be taken from each township. When a fence-viewer to be taken from each township.

(783.) SEC. 16. Where a partition fence running into the water is necessary to be made, the same shall be done in equal shares unless otherwise agreed by the parties, and in case either party shall refuse or neglect to make or maintain the share belonging to him, similar proceedings shall be had, as in case of other fences, and with the like effect. Fences running into water.

(784.) SEC. 17. In all cases where the line, upon which a partition fence is to be built between unimproved lands, has been divided by the fence-viewers, or by agreement in writing between the owners of such lands, recorded in the office of the clerk of the township, or of one of the townships where such lands lie, the several owners thereof, and their heirs and assigns forever, shall erect and support said fences, agreeably to such division. When line of unimproved lands divided, who to erect fences, etc.

Notice on determination not to improve lands

(785.) SEC. 18. If any person shall determine not to improve any part of his lands adjoining any partition fence that may have been divided according to the provisions of this chapter, and shall give six months' notice of such determination to all the adjoining occupants of lands, he shall not be required to keep up or support any part of such fence during the time his lands shall lie open and unimproved.

Who to be fence-viewers.

(786.) SEC. 19. The overseers of highways of the several townships in this State shall be fence-viewers in their respective townships.

Penalty for neglect.

(787.) SEC. 20. Any fence-viewer, who shall, when requested, unreasonably neglect to view any fence, or to perform any other duty required of him in this chapter, shall forfeit the sum of five dollars, and shall also be liable to the party injured for all damages consequent upon such neglect.

Compensation of fence-viewers.

(788.) SEC. 21. Each fence-viewer shall be paid by the person employing him, at the rate of one dollar a day for the time he shall be so employed; and if such person shall neglect to pay the same within thirty days after the service shall have been performed each fence-viewer having performed any such service may recover in an action of assumpsit, double the amount of such fees.

POUNDS, AND IMPOUNDING CATTLE.

Township to provide and maintain pounds

(789.) SEC. 22. Each township may, at its own expense, and in such places therein as the electors shall direct, provide and maintain one or more sufficient pounds, in which swine, sheep, horses, asses, mules, goats, and neat cattle may be restrained, and kept from going at large contrary to law, or to any by-law of such township.

Punishment for injury to pounds

(790.) SEC. 23. If any person shall willfully injure any pound maintained by any township, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding ninety days, at the discretion of the court.

An Act to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence.

[Approved March 17, 1847. *Laws of 1847, p. 181.*]

Damages not to be recovered for trespass on lands not enclosed by lawful fence.

(791.) SECTION 1. No person shall be entitled to recover any sum of money, in any action at law, for damages done upon lands by any beast or beasts, unless the partition fences by which such

lands are wholly or in part enclosed, and belonging to such person, or by him to be kept in repair, shall be of the same height and description as is required by the provisions of section one, chapter eighteen, of the revised statutes of eighteen hundred and forty-six, being section six hundred and five of the compiled laws.¹

⁹ Mich. 158.
¹⁷ Mich. 417.
² Mich. Rep. 290
³ Mich. Rep. 163
⁵ Gilman, 139.

SEC. 2.²

SEC. 3. This act shall take effect and be in force from and after its passage.

¹ As amended by Act 179 of the Laws of 1861, p. 294, approved March 15, 1861.

² Repealed by Act 184 of 1849, p. 228. The section was: "No person shall recover in any action at law for trespass on lands any more costs than the amount of judgment rendered in such case."

TITLE VI.

THE CENSUS, STATISTICS, AND GEOLOGICAL SURVEY OF THE STATE.

CHAPTER XV. Taking the Census and Statistics of the State.
CHAPTER XVI. Registration of Births, Marriages, and Deaths.
CHAPTER XVII. Geological Survey of the State.

CHAPTER XV.

TAKING THE CENSUS AND STATISTICS OF THE STATE.

An Act to provide for taking the census and statistics of this State.

[Approved February 9, 1853. Laws of 1853, p. 60.]

Duty of super-
visors and as-
sessors to take
census and sta-
tistics.

(792.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the supervisor of each township and ward, and assessor of each assessment district, at the time of taking a list of the taxable property, or between the first Monday of April and third Monday of May, in the year one thousand eight hundred and fifty-four, and every ten years thereafter, to go to every dwelling-house in their respective township, ward, or assessment district, and by personally inquiring of the head of every family, or some competent person, to ascertain and take an enumeration of all the inhabitants therein (except uncivilized Indians belonging to some tribe), in the following order, to wit: The names of all males of the age of twenty-one years and under forty-five (designating the married from the unmarried); the names of those

of forty-five and under seventy-five; the names of those of seventy-five and under ninety; the names of those of ninety and under one hundred; and the names of those over one hundred; the number of females of the age of eighteen years and under forty (designating the married from the unmarried); the number of the age of forty and under seventy-five; the number of the age of seventy-five and over; the number of children under the age of five years; the number of the age of five and under ten (designating the males from the females); the number of males of the age of ten and under twenty-one, and the number of females of the age of ten and under eighteen; the number of colored persons; the number of blind; the number of deaf and dumb; and the number of insane persons and idiots; the number of marriages and the number of deaths the preceding year, as near as can be ascertained; and the occupation or profession of all males over twenty-one years of age.

(793.) SEC. 2. And it shall also be the duty of the supervisor and assessors of each city and township, at the time mentioned in the preceding section for taking the census of his township or ward, to ascertain and set down in a table prepared for that purpose, the whole number of acres of taxable land; the whole number of acres of land owned by individuals or companies; the number of acres improved; the number of acres sowed with wheat then on the ground; the number of acres and the number of bushels of corn harvested the preceding year; the number of acres harvested and the number of bushels of wheat raised the preceding year; the number of bushels of all other kinds of grain, the number of bushels of potatoes, and the number of tons of hay the preceding year; the number of sheep, and the number of pounds of wool sheared the preceding year, and the number of sheep; the number of swine over six months old, and the number of pounds of pork marketed; the number of neat cattle (other than oxen and cows), one year old and over; the number of horses one year old and over; the number of mules, the number of work oxen, and the number of milch cows; the number of pounds of butter and cheese made the preceding year; the number of pounds of sugar manufactured the present year; the number of pounds of peppermint oil manufactured the preceding year; the number of flouring mills, the number of runs of stone in each; the number of barrels of flour made by each the preceding year; and the number of oil mills, and the number of gallons of oil made the preceding year; the number of breweries, the number of barrels of beer made the

Duty of supervisors and assessors to take census and statistics.

preceding year; the number of distilleries, the number of gallons of liquor made the preceding year; the number of gallons of wine made the preceding year; and the number of barrels of cider made the preceding year; and the number of barrels of fish caught the preceding year, and the amount of capital invested; the number of saw-mills, the number of feet of lumber sawed by each the preceding year, and the amount of capital invested; the number and kind of manufactories, the number of persons employed, the amount of capital invested, and the value of the products for the past year, designating the number of said mills and factories operated by steam, and the number by water power; the number of mines worked, the amount of capital invested, and the number of men employed, specifying the kind of mineral, the aggregate quantity in pounds, and its valuation at the place of mining, the amount of capital invested, and the number of men employed; and the value of all the merchandise imported the preceding year for the purpose of sale.

Duty of Secretary of State.

(794.) SEC. 3. The Secretary of State shall prepare proper blanks for taking the census and statistics, and shall transmit to the several county clerks of all the organized counties of the State a sufficient number for each township, ward, or assessment district in each county, on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty-four, and every tenth year thereafter; and it shall be the duty of the county clerk to receive and retain the same in his office, and, on or before the second Monday in April next thereafter, cause to be delivered to the supervisor of each township and ward, and assessor of each assessment district in the county, a sufficient number of said blanks for the supervisor or assessor to take the census of his township, or ward, or assessment district (as the case may be), and to make a condensed statement thereof, as prescribed in the next succeeding section.

Census and statistics to be condensed by supervisor and assessor.

(795.) SEC. 4. It shall be the duty of each supervisor and assessor to condense the census and statistics of his township, ward, or assessment district, so as to show the aggregate number of each class, to write out distinctly the names of all males over the age of twenty-one years; and when so arranged, he shall make duplicate copies, and personally deliver or forward the same to the county clerk of their respective counties, on or before the first day of July next thereafter; and it shall be the duty of the county clerk to forthwith seal up one copy and send it by mail to the Secretary of State, and the other he shall file and carefully preserve in his office.

Duty of county clerk.

(796.) SEC. 5. If any supervisor or assessor shall be sick, or otherwise unable to perform, or omit to perform the duties required by this act, the township or city board shall immediately appoint a suitable person to do the duties of such supervisor or assessor, who shall take and subscribe the constitutional oath before entering upon the duties of his office.

When person to be appointed to do the duty of supervisor or assessor.

(797.) SEC. 6. Any supervisor or assessor neglecting or refusing, without good cause shown, to perform all the duties prescribed in this act, shall forfeit the sum of one hundred dollars, to be recovered by an action of debt, in the name of the people of the State of Michigan, for the use of the county where such failure occurred.

Penalty for neglect of duty.

(798.) SEC. 7. It shall be the duty of the county, township, or city clerk (as the case may be), to notify the prosecuting attorney of the county of any forfeiture under this act, who shall immediately commence a suit for the recovery thereof, and prosecute the same to a final termination.

Prosecuting attorney to sue for forfeitures.

(799.) SEC. 8. The supervisor of each township and ward, and the assessor of each assessment district, shall be allowed, in addition to the sum allowed by law for taking the assessment of his township, ward, or assessment district, one dollar for every one hundred persons by him returned, if the number shall exceed one thousand and five hundred, and one dollar and fifty cents per hundred for any number less, and ten cents per mile for conveying the returns to the county clerk's office, which shall be in full for all services performed under the provisions of this act; and the sum due each supervisor and assessor for services, shall be calculated at the rate aforesaid by the county clerk to which the proper returns are made, and his certificate of the amount due shall be paid by the treasurer of said county: *Provided*, That before a supervisor or

Compensation of supervisor and assessor.

Proviso.

assessor shall be entitled to receive any compensation, he shall attach a certificate to each copy of said returns, signed by him, in the following form, to wit: "I do hereby certify that the census and statistics set forth in the schedule hereunto annexed, has been consolidated and arranged from enumeration and statistical lists, made by actual inquiry at the dwelling, or personal inquiry at the head of every family, or of a competent person acquainted with the facts, by myself, in the township of _____ or ward number _____ in the city of _____ or assessment district in the city of _____ (as the case may be), and that the said schedule has been made in every respect in conformity with the act for taking the census and statistics for the year eighteen hundred and fifty-four,

Certificate to returns.

and every tenth year thereafter, and is correct and true, according to the best of my knowledge and belief."

Duty of Secretary of State relative to returns.

(800.) SEC. 9. The Secretary of State shall condense, in a tabular form, the census and statistical returns made to him, and, as soon as may be, cause three thousand copies to be published in pamphlet form, and transmit four copies to each organized township in the State, one for the use of the supervisor, one for the use of the township clerk, and two to be deposited in the township library; and twenty-five copies to the mayor of the city of Detroit, and ten copies to the mayor of any other city in the State, for the use of the several city libraries, and one copy to each of the members of the present Legislature and its officers: *Provided*, That in counties having less than five thousand inhabitants, the supervisor in each town shall be entitled to three dollars for taking the census and statistics in his town extra.

Proviso.

Compensation.

Common council of Detroit to appoint.

(801.) SEC. 10. In the city of Detroit, the common council shall appoint a person in each ward to discharge the duties required by this act, to be performed by the supervisor of each township or ward: *Provided*, There is no assessor elected in said wards.

Proviso.

Columns to be footed.

(802.) SEC. 11. It shall be the duty of the persons required in this act to take said census, to have the several columns of figures footed, and the aggregate amount put down.

Governor to appoint marshals in certain cases.

(803.) SEC. 12. That the Governor appoint marshals to take the census in the unorganized territory not otherwise provided in this act, who shall receive such compensation as the board of supervisors of the organized county to which such unorganized territory is attached for judicial purposes shall allow.

This act shall take effect immediately.

An Act to ascertain the annual cereal products of the State of Michigan.

[Approved February 14, 1859. *Laws of 1859, p. 448.*]

Duty of supervisor.

(804.) SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor or assessor of each township or district in the several counties of this State, at the time of ascertaining the amount of taxable property, and assessing the same, in his township or district, to ascertain the number of acres of wheat, oats, barley, and corn, sown and planted in his township or district during the year next preceding, and to return an accurate statement of the same to the county treasurer of his county, on or before the first day of June in each year.

(805.) SEC. 2. The county treasurer of each county in the State County treasurer. shall report the information thus obtained to the Secretary of State, on or before the fifteenth day of June in each year, and the Secretary of State shall cause a statement of the aggregate number of acres of wheat, oats, barley, and corn so sown and planted in each township in the several counties, to be published in at least one paper in the State, on or before the first day of July in each year, and cause one copy thereof to be sent to the county treasurer of each county, and the supervisor of each township in the State. Secretary of State.

An Act to provide for the collection of the social statistics of Michigan.

[Approved August 3, 1870. Laws of 1870, p. 6.]

(806.) SECTION 1. *The People of the State of Michigan enact,* County clerk to collect and compile statistics. That it shall be the duty of the county clerk of each county to collect and compile, on blanks to be furnished by the superintendent of the census, the statistics embraced in and comprising the whole of schedule five, of an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of members of the House of Representatives, and provide for their future apportionment among the several States," passed by the Congress of the United States, and approved May twenty-third, eighteen hundred and fifty, and forward the same to the Secretary of State, at Lansing, on or before the thirtieth day of October, eighteen hundred and seventy.

(807.) SEC. 2. It shall be the duty of the treasurer, register of deeds, County officers; duties of. superintendent of schools, superintendents of the poor, and prosecuting attorney of each county, and of the supervisor and clerk of each township, to furnish to the county clerk, on his application therefor, the information required by schedule five of the act named in the preceding section, such information or facts as the records of their respective offices will show, or such as they may be able to obtain.

(808.) SEC. 3. An amount not exceeding the sum of five thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated or expended, to defray the expenses of collecting such social statistics named in section one of this act, to be expended as follows: In counties where the population shall not exceed ten thousand in number, the county clerk shall receive the sum of thirty dollars; in counties where the population shall exceed ten thousand but not exceed twenty thousand in number, the county clerk shall receive the sum of forty dollars; in counties Appropriation.

where the population shall exceed twenty thousand but not exceed thirty thousand in number, the county clerk shall receive the sum of fifty dollars; in counties where the population shall exceed thirty thousand but not exceed forty thousand in number, the county clerk shall receive the sum of sixty dollars; and in counties where the population shall exceed forty thousand in number, the county clerk shall receive the sum of seventy dollars, except in the county of Wayne, the clerk of which county shall receive the sum of one hundred dollars; such compensation to be paid by the State Treasurer on the warrant of the Auditor General, said warrant to be drawn on the certificate of the Secretary of State, whose duty it shall be to execute such certificate on the receipt of the returns required by section one of this act, accompanied by the affidavit of the county clerk that such return is, to the best of his knowledge and belief, a full and accurate collection of the required social statistics of the county of which he is the clerk.

Secretary of
State; duty of,
relative to act.

(809.) SEC. 4. It shall be the duty of the Secretary of State to expend such sum of money, not to exceed, however, the sum of one thousand dollars, out of the amount appropriated in the preceding section, as may in his judgment be deemed necessary to carry out the provisions and intent of this act.

SEC. 5. This act shall take immediate effect.

CHAPTER XVI.

REGISTRATION OF BIRTHS, MARRIAGES, AND DEATHS.

An Act to provide for the registration of births, marriages, and deaths.

[Approved March 27, 1867. Laws of 1867, p. 206.]

Duties of super-
visors and as-
sessors.

(810.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the supervisor of each township, and the supervisor or assessor of any city or ward therein, in this State, between the tenth day of April and the first day of June, in the

year eighteen hundred and sixty-nine, to ascertain, by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities, or wards, from and including April fifth, eighteen hundred and sixty-eight, to and including December thirty-first, eighteen hundred and sixty-eight, together with the facts relative thereto, as are hereinafter provided for, and shall make an accurate return thereof to the clerk of the county in which such township or city is situated, on or before the first said day of June; and for such service shall receive ten cents for each birth and death so returned by them, to be paid by the county in which such returns are made.

In 1869 returns to be made from April 5 to December 31, 1868.

Return to county clerk.

In the year eighteen hundred and seventy, and in each and every year thereafter, it shall be the duty of the officers above mentioned, between the tenth day of April and the first day of June, to ascertain, by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities, or wards, during the year ending on the last day of the preceding December, and shall make the return, and receive therefor the compensation above provided for: *Provided*, That in the city of Detroit, the duties required by this act to be performed by supervisors and assessors shall be performed by persons appointed by the common council for that purpose; and it shall be the duty of the common council, on or before the tenth day of April, in each year, to appoint such number of persons in each ward of said city, as shall be necessary to perform said duties within the time limited by this act; and such persons shall possess all the authority conferred upon, and perform all the duties required of supervisors and assessors by this act, within the territory assigned them, respectively, by the common council, and shall receive such compensation for their services, not exceeding the sum allowed by this act to supervisors and assessors, as shall be fixed by the common council, to be paid by the county of Wayne, and shall be liable to the same penalties for refusal or neglect to perform any of said duties.¹

In 1870 and thereafter, returns to include from January to December last preceding. Statistics; how obtained.

Compensation.

Proviso relating to the city of Detroit.

Duty of common council.

Persons to be appointed by.

Compensation of persons so appointed.

How paid. Penalties.

(811.) SEC. 2. Every justice of the peace, minister of the gospel, and all other persons authorized by law to solemnize marriages in this State, shall make a record of each marriage so solemnized by him, and every clerk or keeper of the records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, shall make a record of such marriage, together with all the facts relating to the same, as required by the third section of this

Marriages to be recorded.

Marriage of Quakers.

¹ As amended by Act 125, of the Laws of 1869, p. 214, approved and took effect April 2, 1869.

Certificates to be furnished. act; and such justice, minister of the gospel, clerk, or other person, shall, at the time such marriage is solemnized, deliver on demand, to either of the parties so joined in marriage as aforesaid, a certificate of such marriage containing all the facts in relation thereto required by said third section of this act, and shall within ninety days thereafter deliver to the clerk of the county in which such marriage took place, a certified copy of such record, and at the same time pay to the clerk twenty-five cents for recording the same.

Fee for recording.

County clerks; duties of.

Births, marriages, and deaths to be numbered and indexed.

Record of births shall state.

Provide.

Record of marriages shall state

(812.) SEC. 3. It shall be the duty of the county clerks of the several counties in this State, on receiving the returns of such births, marriages, and deaths, to record the same at length in separate books, to be provided at the expense of the State by the Secretary of State, for that purpose, with proper indexes thereto. The births, marriages, and deaths shall be numbered and recorded in the order in which they are received by the clerk, and the record of marriages shall be indexed, using both the name of the bridegroom and bride. The record of births shall state, in separate columns, the date of the birth, the name of the child (if it have any), the sex and color of the child, the place of birth, the Christian and surname of both parents, the residence and nativity of the parents, the occupation of the father, and the date when the record was made: *Provided*, That in case the child has no Christian name, such name shall be obtained and reported to the county clerk in the next annual report of the supervisor or assessor, and such Christian name shall be distinctly designated in such report as the Christian name belonging to a child previously reported, and shall be properly entered by said county clerk, in the blank left for such Christian name in his book of record; and it shall be the duty of the several county clerks, on or before the tenth day of April in each year, to give to the officers required to make the said returns, lists of such children whose Christian names have not been previously reported in their respective towns, cities, or wards. The record of marriages shall state, in separate columns, the date and place of marriage, the Christian and surname of the bridegroom and bride, and the maiden name of the bride, if a widow, the color, age, and place of birth of each, the residence of each at the time of marriage, the occupation of the bridegroom, and the name and official station of the person by or before whom they were married, the names and residences of at least two witnesses present at such marriage, and the date when such record was made. The record of deaths shall state, in separate columns, the date of

the death, the Christian and surname of the deceased, the sex and color, whether married or single, the age in years, months, and days, the place of death, the disease or apparent cause of death, the nativity of the deceased, and the occupation, if any, and the names, residence of the parents, if known, and the date when such record was made. The clerks of the several counties shall annually, on or before the first day of September, make and transmit to the Secretary of State a certified copy of the records in his office of all the births, marriages, and deaths reported in their respective counties for the year ending December thirty-first, last preceding. And each county clerk shall receive for the record of each birth and death in his office three cents, and three cents for each birth, marriage, and death returned by him to the Secretary of State, to be paid by the county, and shall be compensation in full for all services required by this act to be performed by him.¹

Record of deaths shall state.

Return of county clerk.

Compensation.

(813.) SEC. 4. The Secretary of State shall prepare and furnish to the county clerks of the several counties in this State, blank books of suitable quality and size, with proper rulings and headings, to be used as books of record in carrying into effect the provisions of this act. He shall also prepare and furnish blank "forms of returns," as hereinbefore specified, accompanied with such instructions and explanations as may be necessary to insure uniformity in such returns, which blanks shall be forwarded to the several county clerks on or before the first day of March in each year; and the said county clerks shall deliver the same to the supervisors or assessors of the several townships, cities, or wards therein, in their respective counties, on or before the tenth day of April.¹

Secretary of State; duties of.

(814.) SEC. 5. It shall be the duty of the Secretary of State to receive the returns made in pursuance of the third section of this act, and he shall cause the same for each year to be bound together, in one or more volumes, at the expense of the State, and make indexes thereto; and with such assistance as may be voluntarily rendered by any authorized committee appointed by the medical faculty of the University of Michigan, or by any regularly authorized medical society in this State for that purpose, he shall prepare such tabular statements, results, and deductions therefrom as will render them of practical utility, and make report thereof, annually, to the Governor of the State, which report may be ordered published and distributed in such manner as the Legislature may from time to time direct.

Bound volumes of reports.

Secretary of State's report to Governor.

¹ Vide note to section 1 of this act.

Neglect to keep records.	(815.) SEC. 6. Every justice of the peace, minister of the gospel, and all other persons authorized by the laws of this State to solemnize marriages, and clerks or keepers of records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, who shall neglect or refuse to make a record of such marriage, or to deliver to the county clerk of the county in which the marriage took place, a certified copy of such record, or who shall refuse, on demand, to deliver to the parties to such marriage the certificate thereof, as required by section two of this act, or who shall willfully make a false or fictitious entry in his record of marriages, or in the certified copy of such record delivered to the county clerk, or in the certificates of marriages delivered to the parties thereto, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars, and in default of paying the same, shall be imprisoned in the county jail of the county in which such conviction shall be had, until said fine be paid, but not to exceed the period of ninety days.
Neglect to deliver certificates or shall make false entries.	
Penalty.	
Certificate of death.	(816.) SEC. 7. Every physician, surgeon, or midwife, who shall have been in attendance upon any deceased person, shall upon application of any supervisor or assessor of the township, city, or any ward thereof, in which such death occurred, make out and deliver to such supervisor or assessor a certified statement, without fee, containing the name of the disease or cause (if known), producing the death of such person; and any medical attendant who shall neglect or refuse to give such statement, or who shall willfully make a false statement in relation to such death, shall for such offense be liable to pay a fine of not less than ten nor more than fifty dollars, and the costs of prosecution, which fine the said supervisor or assessor is hereby required to sue for and collect in his official character.
Contents.	
Refusal to make certificate.	
Penalty.	
Facts to be obtained by supervisor.	(817.) SEC. 8. It shall be the duty of each supervisor or assessor to obtain the facts in relation to births and deaths within his township, city, or any ward therein (not otherwise obtained), from the heads of families, the keepers, overseers, or superintendents of asylums, hospitals, jails, prisons, workhouses, almshouses, houses of correction, and similar institutions, the keepers of hotels, public and private boarding-houses, and the masters or chief officers of steamboats and sail vessels navigating any of the waters of this State and touching at any port of entry therein, in which such births or deaths occurred; and if either of the above-named persons shall refuse to give such information, then the same shall be
Refusal to furnish.	

obtained by such supervisor or assessor from any person having a knowledge of the facts in relation to such birth or death; and if the supervisor or assessor shall have reason to believe that any person or persons willfully misrepresented or concealed any facts relative to such birth or death in his township, city, or any ward therein, which he cannot otherwise obtain, he may examine such person or persons on oath (which oath such supervisor or assessor is hereby empowered and authorized to administer), in relation to any birth or death within his township, city, or any ward therein, of which such person or persons may have any knowledge or information; and if any person, after being duly subpoenaed (as provided for compelling the attendance of witnesses in justices' courts) by such supervisor or assessor, for the purposes aforesaid, shall neglect or refuse to appear before such officer, or appearing shall refuse to be sworn and testify in relation to such matter, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished therefor by fine not exceeding fifty dollars, and in default of paying the same, shall be imprisoned in the county jail of the county in which such conviction shall be had until said fine be paid, but not exceeding ninety days; and any person who, after being duly sworn as aforesaid, shall willfully make any false statement in relation to any birth or death, about which he is required to testify, shall be deemed guilty of willful and corrupt perjury: *Provided*, That no person shall be required to answer any question which will tend to criminate himself or herself upon any such examination.

Obtained under oath.

Neglecting to answer a subpoena.

Penalty.

Perjury.

Proviso.

(818.) SEC. 9. In case of the refusal or neglect by any of the officers mentioned in this act, to perform any of the duties hereinbefore required of them or either of them, to be done and performed by any of the provisions herein contained, such officer shall be liable to a fine not to exceed one hundred dollars, and the costs of prosecution; and the prosecuting attorney in each county is hereby required to prosecute, in the name of the people of the State of Michigan, all persons in his county who shall willfully violate any of the provisions of this act; and the said supervisor or assessors of any township, city, or any ward therein, may be prosecuted for a misdemeanor under this section, and upon conviction punished as therein provided for.

Neglect to perform duties.

Penalty.

Misdemeanor.

(819.) SEC. 10. Sections three thousand two hundred and thirteen, three thousand two hundred and fourteen, three thousand two hundred and fifteen, and three thousand two hundred and sixteen, of the compiled laws of eighteen hundred and fifty-seven be and the same are hereby repealed.

Sections repealed

Compensation of
supervisors and
assessors for
1868.

County clerks.

(820.) SEC. 10 [11]. The several supervisors and assessors of the townships, villages, and cities in this State, who have made any returns of births and deaths to the county clerk of their respective counties for the year eighteen hundred and sixty-eight, and have not received the amount of compensation as provided for in this act, shall be paid therefor at rates set forth in the preceding sections. And such county clerks as have made returns of the births, marriages, and deaths to the Secretary of State for the year eighteen hundred and sixty-eight, and who have not received compensation therefor, shall be paid for the same at the rates set forth in the preceding sections.¹

CHAPTER XVII.

GEOLOGICAL SURVEY OF THE STATE.

An Act to provide for the further geological survey of the State.

[Approved March 26, 1869. Laws of 1869, p. 169.]

Board constituted.

Assistants.

Assistants' salaries.

(821.) SECTION 1. *The People of the State of Michigan enact,* That the Governor, Superintendent of Public Instruction, and the President of the State Board of Education shall constitute a Board of Geological Survey. They shall control and supervise the continuance and completion of the geological survey of the State; and for that purpose they may from time to time appoint such person or persons to assist in making said survey as may be deemed necessary. The length of time, and the location and locations where said persons shall be employed, shall be determined by said board.²

SEC. 2.³

(822.) SEC. 3. The salary of the persons employed in the survey shall be fixed by the board, and shall be payable only for services

¹ As added by Act 125 of the Laws of 1869, p. 214, approved and took effect April 8, 1869.

² As amended by Act 179 of the Laws of 1871, p. 298, approved and took effect April 17, 1871.

³ Repealed by Act 179 of the Laws of 1871, p. 298.

actually rendered. Such board shall regulate all expenses incident to the survey, and may require such frequent reports as they may think useful.¹

(823.) SEC. 4. It shall be the duty of said board to make, or cause to be made, a thorough geological and mineralogical survey of the State, embracing a determination of the succession and arrangement, thickness, and position of all strata and rocks, their mineral character and contents, and their economical uses; an investigation of soils and subsoils, and the determination of their character and agricultural adaptation; the investigation of all deposits of brines, coal, marl, clay, gypsum, lime, petroleum, and metals and metallic ores, building-stone, marble, grit-stone, materials for mortar and cement, mineral paint, and all other productions of the geological world within the limits of this State capable of being converted to the uses of man.¹

Character of
survey.

(824.) SEC. 5. It shall be the duty of said board to cause ample materials to be collected for the illustration of every department of the geology and mineralogy of the State, and to label, arrange, and prepare the same for exhibition in suitable cases in the museums of the State University, Agricultural College, and State Normal School, and in each of the incorporated colleges of the State, and in a room in connection with the State Library.¹

Specimens for
exhibition.

(825.) SEC. 6. It shall be the duty of said board to furnish an annual report of the progress of the survey, and, as often as possible, a condensed statement of important and interesting facts for general circulation, and, as soon as the progress of the work will permit, to begin, and on the completion of the survey to finish, a complete memoir upon the geology of the State, embracing such an account of all its mineral and agricultural resources as is usual in works of that character, and a delineation of its geology upon the map of the State, and such other diagrams and illustrations as may be needed to set forth in a creditable, intelligible, and, as far as possible, popular manner, the nature, location, and extent of the geological and agricultural resources of the State: *Provided*, Such

Annual report
and occasional
statement.

report, when complete and printed, shall consist of not exceeding three octavo volumes: *And provided further*, That said volumes shall not contain, in any considerable extent, compilations and extracts of or from books heretofore published.¹

Complete report
at close of work.

Proviso.

Further proviso.

SEC. 7.²

¹ See note to section 1.

² Vide note to section 2 of this act.

All notes, collections, etc., property of the State.

(826.) SEC. 8. All notes, memoranda, compilations, collections, specimens, diagrams, and illustrations that may be made in the progress of such survey, by the person or persons engaged therein, shall be the property of the State, shall be under the control of the board, and, in case of the death or termination of connection with such survey of any such person or persons, shall be deposited in the office of the Superintendent of Public Instruction, subject to the order of the board.¹

Appropriation to meet expenses.

(827.) SEC. 9. To carry into effect the provisions of this act, the sum of eight thousand dollars for each year, until the completion of said survey, is hereby appropriated, to be drawn from the Treasury as needed, on the warrants of the Governor, which appropriation shall be in full for all expenditures under this act, exclusive of the printing of the reports.¹

SEC. 10. This act shall take immediate effect.

¹ See note to section 1.

TITLE VII.

MILITARY AFFAIRS.

CHAPTER XVIII. The Militia.

CHAPTER XIX. Bounties to Volunteers.

CHAPTER XX. Soldiers' Aid Fund.

CHAPTER XVIII.

THE MILITIA.

An Act for the reorganization of the military forces of the State of Michigan.

[Approved January 13, 1862. Laws of 1862, p. 20.]

CHAPTER I.—ORGANIZATION.

(828.) SECTION. 1. *The People of the State of Michigan enact,* Persons subject to military duty.
That all able-bodied white male citizens, between the ages of eighteen and forty-five years, and not exempted by the laws of the United States or of this State, shall be subject to military duty. The enrolled militia shall not be subject to active military duty When subject to active duty. except in case of war, rebellion, invasion, the prevention of invasion, the suppression of riots, tumults, and breaches of the peace, and to aid civil officers in the execution of the laws and the service of process; in which case they may be ordered out for actual service, by draft or otherwise, or so many of them as the necessity demands. In addition to the persons exempted by the laws of the Persons exempt from military duty. United States, the following persons shall be exempt from military duty:

First. Ministers of the gospel;

Second. Judges of the Supreme, circuit, district, and probate courts;

Third. The members and officers of the Legislature;

Fourth. All officers and guards of the State Prison;

Fifth. All commissioned officers of the militia of this State, who have served as such, fully uniformed and equipped, according to law and regulation, for the term of six years; but no officer shall be so exempt, unless by his resignation after such term of service, duly accepted, or in some other lawful manner, he shall have been honorably discharged;

Sixth. All State and county officers (except notaries public), and all teachers engaged in public institutions and public schools.

Assessor to return a list of persons subject to military duty.

(829.) SEC. 2. The officers acting as assessors of every township, ward, or city, shall, annually, on or before the first day of June return a list of the names of all persons who are liable to do military duty, residing in their township, ward or city, to the county clerk, who shall number the names, and file the lists in his office, and return the aggregate number of all the persons so enrolled in his county to the Adjutant General, on or before the first day of July of each and every year. The assessors shall have power to question, under oath, which they are hereby authorized to administer, any person deemed liable to do military duty, but who denies the same; and if any person refuses to be sworn, the assessor shall enroll his name in the same manner as though he had admitted his liability. Upon the return of the assessor's list to the county clerk, properly certifying that he has enrolled all persons who are liable to do military duty residing in his township, city, or ward, he shall be paid two cents each for all persons so enrolled, out of the treasury of the county. If any

Powers of assessors.

Fees of assessors

Penalty for neglect of duty by assessor or county clerk.

assessor or county clerk shall willfully neglect or refuse to perform the duty enjoined upon them by this act, the person or persons guilty of such refusal or neglect shall be liable to a penalty of not less than one hundred or more than five hundred dollars, to be recovered by action of debt before any circuit court, in the name of the people of the State of Michigan; and it shall be the duty of the prosecuting attorney of the county to prosecute the same. All moneys accruing from such prosecution shall, after deducting the legal costs and charges, be paid into the county treasury. In cases where such lists are not made out and filed, as herein provided, and when the same may be deemed absolutely necessary to the public safety, the Governor is authorized to cause such lists to be made by any other suitable person, to be by him

Money so collected, where paid.

When Governor may authorize list to be made out.

designated, who shall have the same powers, and receive therefor the same compensation, as provided herein for assessors.

(830.) SEC. 3. In case of actual or threatened war against, Commander-in-chief may order out the militia. insurrection in, or invasion of, the State, or in case of actual rebellion in, or war against, the United States, or in case the President of the United States shall make a requisition on the Governor of this State, the Commander-in-chief may order out, by draft, voluntary enlistment, or otherwise, the whole, or so much of the militia of this State as the public necessity demands; and he may also, in like manner, order out any portion of the militia, for the service of the State, to suppress riots, and to aid civil officers in the execution of the laws of this State or of the United States. He may May appoint the number by draft appoint the number by draft, according to the population of the several counties of the State, or otherwise as he shall direct, and shall notify the sheriff of each county from which any draft is so required, of the number of persons his county is to furnish. Upon Proceedings thereon of sheriff and county clerk. the requisition of the Commander-in-chief being received by the sheriff, he shall immediately personally notify the county clerk, or in case of the absence or inability of either, they or their legally authorized deputy or deputies, who shall repair to the office of the county clerk, and in public shall copy, by name or number, from the assessor's roll of each township, city or ward, of such county, all persons who are so returned as liable to do military duty. Such names, or their corresponding numbers, shall be placed on How drawn. slips of paper of the same size and appearance, as near as practicable, which slips, so named or numbered, shall be placed in a box suitable for that purpose, and drawn therefrom in the same manner as jurors are by law now drawn. All persons so drawn, and liable Persons drawn to be notified thereof. to do military duty, shall be determined to be legally held to serve in the manner and for the purpose and time specified in the requisition; and the sheriff shall notify the persons so drafted, orally or by writing, at what time and place they shall appear.

(831.) SEC. 4. Every person so ordered out, or who shall volunteer, or is drafted, and who shall not appear at the time and place designated by such sheriff, or other proper officer, or who shall not produce some able-bodied or proper substitute, at such time and place, or shall not pay to such sheriff, for the use of the State, the sum of one hundred dollars, within twenty-four hours from such time, shall be deemed to be a soldier in actual service, absent without leave, and be liable to a penalty of one hundred dollars. Should the officer detailed for the purpose be unable to secure any Penalty for non-appearance of persons ordered out, etc. soldier so drafted, the sheriff of the county shall, upon notice When sheriff may arrest soldier drafted.

thereof, be authorized and required to arrest such soldier, and notify the prosecuting attorney thereof, who shall prosecute such delinquent before any justice of the peace, or other court having jurisdiction, for the recovery of the penalty aforesaid, and the person so arrested may be released from all such obligations and penalties on the enlisting and mustering of an acceptable substitute, and the payment of the cost of prosecution.

Militia in actual service to be organized into companies, etc.

How officered, governed, and instructed

May be consolidated.

State to furnish arms, etc.

Senior officer to command.

Military districts

(832.) SEC. 5. When the militia are ordered out, or have volunteered, and while they are in actual service, as specified in section three, they shall be organized by the Commander-in-chief, with the advice of the State Military Board, into companies, regiments, brigades, and divisions, which (companies, regiments, brigades, and divisions) shall be numbered, and record thereof made in the office of the Adjutant General, and shall be officered, governed, and instructed according to the laws of this State and the United States; and the Commander-in-chief may alter, divide, annex, and consolidate the divisions, brigades, regiments, and companies, in such manner as in his opinion the proper organization of the same shall require; and the State shall furnish arms, ammunition, clothing, and equipment for each non-commissioned officer and private, as may be deemed necessary by the Commander-in-chief, and pay them the same compensation as allowed in the service of the United States, until their term of service expires; and when troops are in the field for such purposes, the senior officer of the troops present shall command. Each commissioned officer shall provide himself with a sword. The Commander-in-chief shall district the State for the enrolled militia into four districts, each of which shall be properly divided into regiments, and when so districted and divided shall be officered under the direction of the Commander-in-chief.

CHAPTER II.—STATE TROOPS.

Active militia to be known as State troops.

Minors, when admitted.

(833.) SEC. 6. The active militia shall be composed of volunteers between the ages of eighteen and forty-five years, and shall be known as State troops, and in case of war, rebellion, invasion, the prevention of invasion, the suppression of riots, to aid civil officers in the execution of the laws of this State, shall first be ordered into service. Minors over the age of eighteen years may be admitted into any company of State troops, with the consent, in writing, of their parents or guardians, or, if they have none, with the consent, in writing, of a justice of the peace of the township or city in which they reside.

(834.) SEC. 7. The State troops shall be composed of any number State troops. of regiments of infantry, cavalry, or mounted riflemen, and two or more batteries of six pieces each of light artillery, with such officers of engineers, of ordnance, and of the staff, as are hereinafter provided for.

(835.) SEC. 8. Each regiment of infantry shall consist of one Regiments. colonel, one lieutenant colonel, one major, one surgeon, one assistant surgeon, one chaplain, one sergeant-major, one quartermaster sergeant, and ten companies, each of which shall consist of one Companies. captain, one first lieutenant, one second lieutenant, five sergeants, eight corporals, two musicians, one wagoner, and not less than thirty nor more than eighty-two privates.

(836.) SEC. 9. Each battery of light artillery shall consist of one Light artillery captain, one first lieutenant, one second lieutenant, one first sergeant, one company quartermaster sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and fifty-eight privates; and may be increased on the recommendation of the Inspector General, approved by the State Military Board and Commander-in-chief, to correspond with the organization of light batteries in the army of the United States. In case of actual or Dragoons, cavalry, mounted riflemen, and engineers. threatened war, invasion, insurrection, or rebellion, companies or regiments of dragoons, cavalry, mounted riflemen, and corps of engineers, may be authorized by the commander-in-chief, and organized and paid in the same manner as similar organizations existing at the time in the army of the United States.

(837.) SEC. 10. There shall be one major general, with two aids- Major and brigadier general. de-camp; two brigadier generals, each with one aid-de-camp.

(838.) SEC. 11. There shall be one Adjutant General, and such Adjutant General. Assistant Adjutant Generals as the Commander-in-chief, on the recommendation of the Adjutant General, shall direct, not to exceed four in number, nor to exceed one to each division and brigade.

(839.) SEC. 12. There shall be one Inspector General, and such Inspector General. assistant inspectors as the Governor shall direct, on recommendation of the Inspector General, not to exceed four in number.

(140.) SEC. 13. There shall be one Quartermaster General, and Quartermaster General. such assistant quartermasters, not to exceed four in number, as the Commander-in-chief shall direct, on the recommendation of the Quartermaster General. The Quartermaster General and his Commissary General. assistants shall be commissary general and assistant commissaries, and shall perform the duties of both departments.

(841.) SEC. 14. There shall be one Paymaster General, and such Paymaster General. assistant paymasters, not to exceed four in number, as the Com-

mander-in-chief shall direct, on the recommendation of the Paymaster General.

Rank of the chiefs of the departments.

(842.) SEC. 15. The several chiefs of the departments of Adjutant General, Inspector General, and Quartermaster General, shall rank as brigadier general; the paymaster general shall rank as colonel; the first assistants, in each of these departments, shall rank as lieutenant colonels; all other assistants, in these departments, shall rank as captains.

Staff duties.

(843.) SEC. 16. Staff duties may be consolidated or separated on recommendation of the State Military Board and the approval of the Commander-in-chief, in the manner to be prescribed by regulations.

Staff of the Commander-in-chief.

(844.) SEC. 17. The staff of the Commander-in-chief shall consist of four aids, who shall rank as colonels, one judge advocate, and one military secretary, who shall rank as majors.

Additional regiments.

(845.) SEC. 18. Additional regiments and light artillery batteries may be put upon the same establishment as hereinbefore prescribed, when called into active service, and shall form part of the State troops, and shall be organized upon the same basis as regiments and light artillery batteries of the United States army of the same arm of service.

Provision for wounded soldiers.

(846.) SEC. 19. If any officer or soldier, in the service of the State, shall be wounded or disabled, while in the performance of his duty, he shall be taken care of and provided for at the expense of the State, during the period of such disability.

Oath of allegiance.

(847.) SEC. 20. Before any person shall be mustered into the service of this State, under the provisions of this act, he shall take the following oath (or affirmation), which shall be administered to him by the mustering officer, or by some other person authorized by law to administer oaths: "I, _____, do solemnly swear (or affirm) that I will bear true allegiance to the United States of America, and to the State of Michigan; that I will serve them honestly and faithfully against all their enemies and opposers whatever; and that I will observe and obey the orders of the President of the United States, the Governor of this State, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States and of this State." The mustering officer, or the officer administering such oath or affirmation, shall certify, on the muster-roll, that the persons whose names appear thereon did take the said oath or affirmation, which certificate, signed by him, shall be sufficient evidence that the persons named therein did take the

Certificate of oath.

said oath or affirmation before him; and all commissions hereafter to be issued by the Commander-in-chief, to any officer, shall contain (on the back of the same) the said oath, and, before delivery to any officer, shall be by him subscribed before some person authorized by law to administer oaths. Commissions to contain the oath.

(848.) SEC. 21. In matters affecting the organization, instruction, discipline, and duties, the artillery shall conform to the rules and regulations hereafter to be prescribed by the State Military Board. Artillery, rules and regulations for.

CHAPTER III.—ADJUTANT GENERAL'S DEPARTMENT.

(849.) SEC. 22. The Adjutant General shall be nominated by the Commander-in-chief, subject to the approval of the two Houses of the Legislature in joint convention, and shall hold his office for the term of two years, or until his successor is appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. He shall distribute all orders from the Commander-in-chief. He shall be the organ of all written communications from the State troops to the Commander-in-chief, and shall attend him when required in reviews of the State troops, or whenever ordered in the performance of military duty. He shall lay before the Commander-in-chief all recommendations of the State Military Board, and heads of military departments and corps, and obey or issue such orders as the Commander-in-chief shall give in relation thereto, and all other military matters, and shall be entitled to use the coat-of-arms of the State as his seal of office, with the words added thereto, "State of Michigan, Adjutant General's office." He shall submit to the Commander-in-chief copies of all charges, properly preferred in writing, against any officer or soldier of the State troops, whenever desired by the person preferring such charges, as well as the proceedings of all general courts-martial. He shall annually make a return, in triplicate, of all the militia of the State, one copy whereof he shall deliver to the Commander-in-chief on or before the first day of December, one copy transmit to the President of the United States on or before the first day of January thereafter, and one copy shall be filed in his office. Adjutant General, appointment of.
Terms of office.
Duties of.
Seal of.
Shall submit to the Commander-in-chief charges preferred.
Shall make annual return of the militia.

CHAPTER IV.—INSPECTOR GENERAL'S DEPARTMENT.

(850.) SEC. 23. The Inspector General shall be appointed in the same manner as the Adjutant General, and shall hold his office for Appointment and term of.

Duties of. the term of two years, or until his successor is appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. The Inspector General shall have charge and supervision of the instruction of the State troops, and the mustering and instruction thereof through the proper commanding officers, and his assistants, and such other officers as may be detailed for service in his department, for special duty, by the Commander-in-chief.

CHAPTER V.—QUARTERMASTER GENERAL'S
DEPARTMENT.

Appointment of Quartermaster General. (851.) SEC. 24. The Quartermaster General shall be appointed in the same manner as the Adjutant General and Inspector General, and hold his office for the term of two years, or until his successor is appointed and qualified, unless sooner removed for misconduct, or in case of the vacation of his office by resignation duly accepted. Before entering upon the duties of said office, and within twenty days after receiving official notice of his appointment, he shall take and subscribe the constitutional oath of office, and he shall give bonds to the State, with at least two sureties, to be approved by the Commander-in-chief, in the penal sum of fifty thousand dollars, conditioned faithfully to discharge the duties of his office; to use all necessary diligence and care in the safe-keeping of military stores, and other military property of the State committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, all such stores and property; which bond shall, within the aforesaid twenty days, be deposited, together with said oath, by said Quartermaster General, with the Secretary of State, who shall file and preserve the same in his office. He shall have charge of all public magazines, store-houses, arsenals, munitions of war, and other military property of the State, and account for the same on the first day of December in each year, to the Commander-in-chief.¹

Term of.

Oath of.

Bond.

Conditions of.

Where filed.

To have charge of military stores, etc.

How business to be transacted and accounts kept. (852.) SEC. 25. The business of the Quartermaster General's department shall be transacted, and the accounts kept and made out in the same manner, as near as may be, as is required by the system and regulations governing the Quartermaster General's department in the army of the United States, and rendered by him quarterly to the Auditor General. Accounts current of all cash

¹ As amended by Act 194 of the Laws of 1865, p. 324, approved and took effect March 15, 1865.

transactions, with proper vouchers, shall be rendered by him monthly to the Auditor General.

(853.) SEC. 26. The Quartermaster General shall require bonds To require bonds from all disbursing officers. from all disbursing and distributing officers, and other officers in charge of public property, to an amount to be fixed by the State Military Board, and approved by the Commander-in-chief, and in the manner to be prescribed in the general regulations and orders, which bonds shall be approved by the State Military Board.

(854.) SEC. 27. The Quartermaster General shall provide the Shall provide books of record, etc. several departments, on their requisitions, the necessary rosters, books of record, blank commissions, enlistments, drafts, discharges, rolls, and other papers, required by law and regulation, at the expense of the State.

(855.) SEC. 28. The Commander-in-chief may authorize the Clerks, offices, etc. employment of clerks, and the hiring of offices, the purchase of fuel, lights, stationery, and books for the military service, for the use of the heads of departments and recruiting officers, upon the recommendation of the State Military Board. He may also author- Store-rooms. ize the hiring of store-rooms, for the safe keeping of public stores, at such place or places as he shall designate, until an arsenal or magazines shall be secured by the State.

(856.) SEC. 29. The annual compensation of the Adjutant Gen- Compensation of military officers, how determined. eral, the Inspector General, the Quartermaster General, and their several assistants, shall be such sums of money as the Legislature shall hereafter from time to time determine, and shall be made payable quarterly, out of the military fund in the State Treasury.¹

CHAPTER VI.—GENERAL PROVISIONS.

(857.) SEC. 30. The several geographical military districts are Military districts hereby consolidated into one district, but the Governor may divide the State into two or more districts, upon the formation of new divisions of the State troops, in the manner by general regulations hereafter to be prescribed.

(858.) SEC. 31. The Commander-in-chief shall appoint a State State Military Board, term of. Military Board, consisting of five persons, who shall hold their office for two years, or until their successors are appointed, unless sooner removed for misconduct; three of whom shall constitute a quorum for the transaction of business; and shall each be paid for Compensation. their services, while engaged in the discharge of their duties, three dollars per day, and five cents a mile in going to and from the

¹As amended by Act 99 of the Laws of 1869, p. 166, approved and took effect April 2, 1869.

Duties of.	place of such meeting, by the direct and usually traveled route ; and in no case shall the Adjutant General, Quartermaster General, Paymaster General, Inspector General, or any of their assistants, be members of the board. The State Military Board, in addition to the duties already prescribed, shall constitute an advisory body to the Commander-in-chief on all the military interests of the State. They shall inspect and report to the Commander-in-chief on all estimates and accounts of and for the State troops, and audit all claims and accounts, of a military character, against the State ; and no contract on behalf of this State, exceeding an expenditure of two hundred dollars for military purposes, authorized by this act, shall be valid as against the State until the same shall be approved by said board. Whenever necessary in the performance of their duties, any one of them shall have power to administer oaths. They are hereby further authorized to prepare and promulgate all articles, rules, and regulations for the government of the State troops, not inconsistent with the laws of the United States, or of this State ; and which articles, rules, and regulations, when approved by the Commander-in-chief, shall be in force, and by him filed in the office of the Secretary of State. All payments for services rendered by the State Military Board shall be paid by the Quartermaster General, upon the certificate of the Commander-in-chief and Adjutant General.
May administer oaths.	
May promulgate rules for the government of State troops.	
Payment for services, how made.	
Board to issue certificate to members of the State troops.	(859.) SEC. 32. The State Military Board shall deliver to every member of the State troops, on demand, a certificate, showing that such member has served creditably, fully uniformed and equipped, according to law and regulations. Upon satisfactory evidence that such member has performed service, fully uniformed and equipped as aforesaid, in said State troops, or in the uniformed volunteer militia, since the passage of act number one hundred and sixty-nine of the session laws of eighteen hundred and fifty-nine, which, with service in said State troops, will amount to six consecutive years, such certificate shall thereafter entitle the person receiving the same from said board to an exemption from all poll taxes, jury duty, at his option, assessment for highway purposes, not exceeding two days in a year, from all military duty except in case of invasion, insurrection, or rebellion. Every person issuing, obtaining or using a military certificate improperly or unlawfully, shall be liable to the penalty provided by law for misdemeanors. Every member of the State troops, having the certificate of his proper commandant, certifying to his proper performance of military duty, fully uniformed and equipped, according to law and regulations,
Privileges conferred by such certificate.	
Penalty for improper use of certificate.	
Certificate of performance of military duty.	

and the payment of all fines and company dues for and during the several drills, parades, encampments, and other military assemblages, required by law, or the orders of a superior officer, by authority of law, of the preceding year, shall be exempt for the year such certificate is given from all poll taxes, all jury duty, assessments for highway purposes, not exceeding six days, and from military duty, except in the corps to which he belongs. Exemptions conferred by.

(860.) SEC. 33. The several companies, regiments, and other military divisions of the State, shall have such and so many parades, encampments, and other meetings of instruction, and full-dress parades in each year, not exceeding ten full days, as may be prescribed by general regulations of the State Military Board, such parades to be had by company, regiment, or otherwise, as prescribed by such regulations, or by special order of the Commander-in-chief, and each company may hold such other parades as may be prescribed by their by-laws, or by vote of such company, but no such parade shall be held on days designated by law as election days. Parades and encampments.

CHAPTER VII.—ELECTIONS, APPOINTMENTS, AND PROMOTIONS.

(861.) SEC. 34. Companies may elect their own officers in the manner to be prescribed in general regulations; regimental field officers may be elected by the company officers, according to general regulations; regimental adjutants and quartermasters shall be appointed, as far as practicable, from among the first lieutenants of the respective regiments; sergeant-majors, quartermaster-sergeants, and color-sergeants, from the best instructed sergeants of companies, by the colonel of their respective regiments: *Provided*, That no officers of companies shall be commissioned by the Commander-in-chief without the certificate of the Inspector General of their fitness and qualifications for such commission, after a full and fair examination: *And provided also*, That in actual service in the field, commanding officers of regiments may fill vacancies by promotions among the officers of the regiments wherein the vacancy occurs. Companies may elect officers. Regimental officers. Certificate of qualification.

(862.) SEC. 35. General officers shall be promoted or selected or appointed by the Commander-in-chief; and all commissioned officers shall be commissioned by the Commander-in-chief, according to the respective offices and grades to which they may be elected or appointed. Every non-commissioned officer's warrant shall be given and signed by the commanding officer of his regiment. Non-Vacancies filled by promotion. General officers.

commissioned officers, armorers, and clerks of companies, shall be appointed by their captains, unless otherwise provided by their articles of association.

Rank of commissioned officers.

(863.) SEC. 36. Commissioned officers shall take rank according to the date of their commission. The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof.

Officers to furnish themselves with tactics.

(864.) SEC. 37. Every general, field, and staff officer, and commander of a company, shall furnish themselves with the necessary tactics, as prescribed by the State Military Board.

Application for the organization of companies.

(865.) SEC. 38. Whenever forty or more men, within the same regimental district, shall associate together for the purpose of forming a company of State troops, they may apply to the Commander-in-chief, through the Adjutant General, to be organized as such, and shall designate the persons for commissioned officers.

When companies may be organized.

(866.) SEC. 39. On receiving such application, the Commander-in-chief may so organize such company, and commission such officers, upon the certificate of the Inspector General that such company have complied with the provisions of this act.

Constitution and by-laws of companies.

(867.) SEC. 40. Any company may adopt such constitution and by-laws for its government and discipline, not inconsistent with this act and the regulations hereafter to be prescribed by the State Military Board, as a majority of the members of the company shall deem proper; and all sentences and fines imposed in pursuance of such constitution and by-laws, shall be enforced and collected as hereinafter provided.

Company funds, how appropriated.

(868.) SEC. 41. All moneys received by commandants of companies for the use of such companies, and all moneys received by such companies on account of fines, forfeiture, or otherwise, shall be appropriated by a majority vote of the company, or in pursuance of the by-laws of such company.

Returns of commandants.

(869.) SEC. 42. Commandants of companies, when formed into a regiment in any brigade, shall make returns to the commanding officer of such regiment, and if not formed into a regiment, shall make returns to the commandant of brigade; and the commandant of the regiment shall make returns to the commandant of brigade, and the commandant of brigade to the Adjutant General.

Compensation of officers.

(870.) SEC. 43. The pay and allowances of all officers, in time of actual service, shall be the same as the pay and allowances of officers of the same grade, in like corps, in the army of the United States. No officer shall receive pay, except when on duty in actual service, other than that provided by law. Captains of companies

shall draw pay from the date of their bonds, hereafter to be given, for the care, safe keeping, and accountability of their arms, when their bonds shall be accepted and approved, at the rate of fifty dollars a year, payable yearly, by the Quartermaster General. The term of enlistment shall be six years, except for actual service, which shall be for the period of such service, or six years, at the discretion of the person enlisted, if no other term be prescribed by the Commander-in-chief.

Term of enlistment.

CHAPTER VIII.—RIOTS, TUMULTS, BREACHES OF THE PEACE, AND RESISTANCE OF PROCESS.

(871.) SEC. 44. In case of any breach of the peace, tumults, riot, or violent resistance of any process of this State, or apprehension of immediate danger thereof, it shall be lawful for the sheriff of any county, or the mayor or recorder of any city, to call for aid from any portion of the State troops; and it shall be the duty of the commanding officer to whom such order is given, to order out, in aid of the civil authorities, the military force under his command, or any part thereof. In such cases it shall not be necessary for commanding officers to issue written orders or notices for calling out their command, but verbal orders shall be sufficient.

State troops may be called out to quell riots, &c.

(872.) SEC. 45. It shall be the duty of the commanding officer, in all cases when so called into service, to provide each of the men of his command, so ordered out, with at least twenty-four rounds of ball cartridge, and arms in complete order for actual service.

To be armed for service.

(873.) SEC. 46. Every such commanding officer shall be subject, as provided by law, to the sheriff or other public officer who shall require his aid; and for refusing or neglecting to obey the requisition of such public officer so requiring service, or for neglecting or refusing to carry into effect the orders of such public officer, or for interfering, or in any way hindering or preventing the men of his command from performing such duty, or in any manner, by neglect or delay, preventing the due execution of law, every such commanding officer, and every commissioned officer under his command, so offending, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail not exceeding one year, or both such fine and imprisonment, in the discretion of the court; and in addition thereto, such officer shall be liable to be tried by courts-martial, and sentenced to be cashiered; and it shall be the duty of the prosecuting attorney of any county where such offense shall be

Commanding officer to be subject to the sheriff

Duty of prosecuting attorney.

committed, to prosecute the same, to recover the penalty herein provided, and pay the same into the county treasury.

Penalty for refusal of privates, etc., to obey orders.

(874.) SEC. 47. Any non-commissioned officer, musician, or private, who shall neglect or refuse to obey the order of his commanding officer, in the case herein provided for, shall be liable to a fine of not more than one hundred dollars, and imprisonment in the county jail not exceeding three months, to be prosecuted and recovered in the same manner hereinbefore provided for in the case of commissioned officers, and pay the same into the county treasury in the manner prescribed in the last section.

Compensation of troops for services in quelling riots, etc.

(875.) SEC. 48. All officers, non-commissioned officers, musicians, and privates, shall receive for their services for each day actually spent by them on duty, in case of riot, tumult, breach of the peace, resistance of process, or whenever called upon in aid of the civil authorities, and for the time necessarily spent by them in traveling from their homes to the place of rendezvous, and in returning to their homes, the following compensation, together with necessary rations and forage, to wit: To each private, one dollar per day; to each non-commissioned officer and musician, one dollar and twenty-five cents per day; to all commissioned officers of the line, and to the field, staff, and other commissioned officers, the pay proper of officers of the army of the same rank in the service of the United States, together with all necessary rations and forage; and for the horses of all mounted officers and men, one dollar per day. Such compensation, and such rations and forage, and the cost of all ammunition used, or purchased for use, by any officer in command of the State troops so called out, shall be audited, allowed, and paid by the board of supervisors of the county where such service is rendered, to the commandants of companies, upon their certificates approved and certified by the officer commanding said troops; and if only one company has performed the service, on the certificate of the commissioned officers of said company, and shall be a portion of the county charges of such county, to be levied, assessed, collected, and paid, in the same manner as other county charges are assessed, collected, and paid.

How allowed and paid.

Provisions for the wounded or disabled.

(876.) SEC. 49. In case any officer, non-commissioned officer, musician, or private, shall be wounded or disabled, while in service, in case of riot, tumult, breach of the peace, resistance of process, or whenever called in aid of the civil authorities, he shall be taken care of and provided for at the expense of the county where such service shall have been rendered, during such disability, and in case of death in consequence of such wounds,

his widow and children, if any, shall receive such relief as the Board of State Auditors may determine to be just and reasonable.

CHAPTER IX.—ARMS, EQUIPMENTS, AND EQUIPAGE—ARTICLES FURNISHED BY SOLDIERS.

(877.) SEC. 50. Officers of the line and staff, and officers and Uniforms. soldiers of any company of the State troops, shall provide themselves with such uniforms, complete, as the State Military Board, with the approval of the Commander-in-chief, shall prescribe, subject to such restrictions, limitations, and alterations as he may order.

ARTICLES FURNISHED BY THE STATE.

(878.) SEC. 51. The Quartermaster General shall deliver, as a Commanding officer to be furnished with tents, etc. loan from the property of the State, to the commanding officer of each division, brigade, regiment, or company of the State troops, such tents, fixtures, arms, and equipments, camp equipage, and such other military property as may be necessary; and each officer Such officer to be responsible for the same. to whom such property is delivered shall receipt for and be responsible for the safe keeping of the same; and in case of the discharge or death of such officer, he or his legal representative, shall be released from such responsibility upon filing in the office of the Quartermaster General a bond, with sufficient sureties, and the certificate of the officer succeeding him in command, that the articles so furnished are, at the date of the certificate, in good order and condition, reasonable use and wear thereof excepted. All quarterly accounts shall be finally settled by the Quartermaster General.

(879.) SEC. 52. The Quartermaster General, on the written Armory. application of the commander of a company of State troops duly organized, shall furnish the use of a suitable armory, appropriate for such arms and equipments, at the expense of the State.

(880.) SEC. 53. Whenever any articles are furnished, as aforesaid, Military property to be kept in the armory. to any of the State troops, the same shall be deposited and kept in an armory provided by the State.

(881.) SEC. 54. The Commander-in-chief may, from time to time, Examination of armory and report thereon. require the Inspector General to examine any armory, or arms provided as aforesaid, and report to him the condition thereof, and of the arms therein deposited.

(882.) SEC. 55. If it shall appear satisfactorily to the Inspector Military property not properly cared for, may be taken away. General that any arms, ordnance, or other property of the State, already distributed, or which may hereafter be distributed to any

company, has not been safely kept, or properly housed, or has been injured, or lent, or used for other purposes than on military occasions, he shall prosecute the bond given by the commanding officer of such company, or he shall take away such property from such company, and report such company to the Commander-in-chief, who shall disband the same at his discretion. For this purpose, the Inspector General may inspect, or cause to be inspected or examined, at any time at his discretion, the arms and property aforesaid.

Penalty for selling, concealing, etc., military property.

(883.) SEC. 56. Any person who shall sell, retain, conceal, or have in possession any arms, ordnance, military stores, or other property of the State of a military character, the same not having been delivered to him by any person thereto authorized, or who shall retain or refuse to deliver the same to the Quartermaster General, or his order, or to any officer of the Adjutant General's, Inspector General's, or Quartermaster General's department, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in four times the value of such property, or imprisoned in the county jail not exceeding six months, or both.

Equipment of light artillery.

(884.) SEC. 57. Each company of light artillery shall be provided by the Quartermaster General with the battery of maneuver prescribed for that arm by the War Department of the United States, with caissons, harness, implements, and ordnance stores, which may, from time to time, be necessary for their complete equipment for the field, and when a state of war or danger thereof renders target practice expedient in the opinion of the Commander-in-chief, such quantity of ammunition annually as he deems necessary to be expended in experimental gunnery: *Provided*, That no expense shall be incurred against any other fund than the State military fund for any of the objects contemplated by this act, nor shall any money be drawn for such objects from any other fund, except in time of actual or threatened war, or when otherwise provided by law.

Expenses to be paid from the State military fund.

Organization of regiments.

(885.) SEC. 58. Any number of companies of the State troops (not less than eight within the same brigade district) who are fully uniformed and equipped, according to law and regulation, may organize themselves, with the approval of the Commander-in-chief, into a regiment, and the commissioned officers thereof shall elect one colonel, one lieutenant-colonel, and one major, as field officers of such regiment.

Division and consolidation of divisions.

(886.) SEC. 59. The Commander-in-chief, with the advice of the State Military Board, may arrange, alter, divide, annex, and consoli-

date the divisions, brigades, regiments, and companies, in such manner as, in his opinion, the proper organization of the same shall require.

(887.) SEC. 60. On the occurrence of any vacancy in office, after the first organization of any company, the members thereof may proceed to elect some person to fill such vacancy. Vacancies in companies, how filled.

(888.) SEC. 61. The manner, time, and place of holding and conducting all company elections, shall be regulated by the by-laws of such company. All vacancies in the field officers of a regiment shall be filled by a majority vote of the commissioned officers of said regiment, at a time, not exceeding sixty days from the date such vacancy occurs, to be fixed by the officer commanding such regiment. Ten days' notice of the time and place of holding such election shall be given in writing to each company officer in said regiment. Vacancies in field officers, how filled.

(889.) SEC. 62. The returns of all company and regimental elections of commissioned officers of the State troops, and appointments of staff officers therein, shall be made to the superior officer, and by him to the Adjutant General, within ten days from the time of such election. Returns of election of officers, when made.

(890.) SEC. 63. No election for military officers shall be held on the first day of the week, nor on days appointed by law for the election of State, county, township, or city officers; and all arms are forbidden to be worn at an election. Restriction as to the election of officers and wearing arms.

(891.) SEC. 64. Every volunteer company which shall not, at any annual rendezvous or encampment, have at least thirty privates, mounted or armed, uniformed and equipped as the law directs, shall be immediately reported by the Inspector General, or by one of his assistants, to the Adjutant General. If such number of privates shall not appear, such Inspector General shall require proof that there are privates belonging to such company, properly mounted, or armed and equipped, sufficient to complete the whole number of thirty; and such proof may be made by the certificate of a commissioned officer, or by the oath of a non-commissioned officer or private; and the company so reported as deficient in number shall be disbanded by the Commander-in-chief in orders, unless he shall have reason to believe that such company will have the number required at the next succeeding inspection and review; and if such company shall, at the next succeeding inspection and review, be so deficient, he shall, without any delay, disband the same. Companies that are deficient in numbers, to be disbanded.

(892.) SEC. 65. If any volunteer company shall, at any time, be destitute of commissioned officers, and having been twice ordered Companies destitute of commissioned officers to be disbanded.

to fill vacancies, shall neglect or refuse to fill them, such company may be disbanded by the Commander-in-chief.

CHAPTER X.—PARADES, RENDEZVOUS, AND ENCAMPMENTS.

Rules and regulations for parades.

(893.) SEC. 66. For the purpose of preserving order, on all days of parade, all State troops shall be considered as under arms from the rising until the setting of the sun on the same day; and in addition to putting under guard, as he is hereby authorized to do, and the exercise of the usual military powers with which he is hereby vested, the commanding officer of each company shall return to the commanding officer of the regiment the names of all persons in the company who have discharged any fire-arms on such day, within two miles of such parade, without the order or permission of a commissioned officer, or officer acting as such; the names of every non-commissioned officer, musician, or private, who shall, on such day, neglect or refuse to obey the orders of his superior officer, and to perform such military duty or exercise as may be required, or depart from his colors; and the commanding officer present, of the regiment or company, as the case may be, may put under guard any bystander or spectator who shall abuse, molest, or strike any one when on parade, or under arms. Any person who shall encroach on the bounds of the parade ground (previously designated so as not to obstruct the passage of travelers on any highway), or shall then and there sell, or offer to sell, or give away any spirituous liquors, or shall have in his possession any gambling-table, or other gambling device, such liquor, gambling-table, or other gambling device is hereby declared a nuisance, and shall be abated or destroyed by order of the commanding officer present; and the person or persons disposing of, or having the same in his possession, may be put and kept under guard until the setting of the sun on the same day, or of the third day of any encampment.

Spirituous liquors and gambling tables.

Camps of instruction.

(894.) SEC. 67. The Commander-in-chief, by and with the advice of the State Military Board, is hereby authorized and empowered to establish, annually, one or more camps, in suitable places within the State, for the instruction of the State troops, and may procure suitable tents, camp equipage and utensils, and ammunition for the accommodation and use of troops in said camps, and may order into said camp or camps, to be kept therein for such period of time as he may deem expedient, not exceeding five days, any company or regiment, and may designate the officer to command such camp

or camps; but there shall be at least one regimental drill annually of each regiment organized under the provisions of this act. Regimental drills.

(895.) SEC. 68. The authority of the officer or officers in command of the camps, respectively, may be extended, by order of the Commander-in-chief, to a distance of one-fourth of a mile around such camps; and upon such external space, no persons, other than the owners of the same, with their servants, for the purpose of occupying and improving the same, in the same manner and way they occupied and improved the same at the time such camps shall be established, shall be allowed to enter, except under such rules as shall be established by the commanding officers of the camps respectively, with the approval of the Governor, or by special permission of the officer in command for the time being, or some officer by him designated; and if any person shall so enter he may be immediately expelled. Rules and regulations for camps of instruction.

(896.) SEC. 69. The commanding officer, and all staff officers of each regiment, shall attend every review, rendezvous and encampment of his proper regiment, fully uniformed and equipped, according to law, and the major general shall review each regiment in his division once a year. Reviews, rendezvous, and encampments.

CHAPTER XI.—COMPENSATION.

(897.) SEC. 70. All officers, non-commissioned officers, musicians, and privates, shall receive for each day actually spent by them on duty in said encampments, and for the time necessarily spent by them in traveling from their homes to the place of rendezvous, and in returning to their homes, the necessary transportation, and not exceeding thirty-five cents per day for subsistence, to be paid by the Quartermaster General to the commandant of each company, on his certificate, showing the number of men actually on duty during the term of said encampment, approved and certified by the officer commanding said encampment, and shall be applied by said commandants as provided in section forty-two of this act. All commanders of companies shall give bonds to the Quartermaster General, in the sum of one thousand dollars, for the proper payment and distribution of the moneys to be paid to them under the provisions of this section. Payments to general, field, and staff officers shall be made to themselves on the certificate of the officer commanding the encampment. Compensation of officers and privates. How paid. Bonds of commanders. Payment to general, field, and staff officers.

CHAPTER XII.—FINES AND PENALTIES, AND
THE COLLECTION THEREOF.

Fines for neglect
to appear at pa-
rades.

(898.) SEC. 71. Every commissioned officer of a company, who shall neglect to appear at any company or regimental parade, shall forfeit and pay the sum of four dollars; and every non-commissioned officer, musician and private of any such company, who shall thus neglect to appear, shall forfeit and pay the sum of two dollars.

Fines for ap-
pearing at ren-
dezvous with
deficient equip-
ments.

(899.) SEC. 72. Every officer, musician, and private of any company, who shall appear at any rendezvous or encampment with deficient equipments and uniform, shall forfeit and pay two dollars; and for like deficiency at company parade, one dollar.

Penalty for
contempt, etc.

(900.) SEC. 73. Every officer behaving with contempt to any superior officer, and every non-commissioned officer, musician, and private conducting in a disorderly manner, exciting or joining any tumult or riot, or guilty of any other unmilitary conduct, disobedience of orders, or neglect of duty when under arms or on duty, shall forfeit and pay a sum not less than one nor more than ten dollars.

Offenders may
be put under
guard.

(901.) SEC. 74. For any of the offenses mentioned in the last preceding section, any non-commissioned officer, musician, or private, guilty thereof, may be put under guard by the commanding officer of the company or regiment, for a time not exceeding the time when his company is dismissed from duty for the day.

Musicians,
penalty for ab-
sence, etc.

(902.) SEC. 75. Every master or musician of a band, for absence from military duty, or neglect thereof, disobedience of orders, disorderly or other unmilitary conduct, shall forfeit and pay not less than two nor more than ten dollars.

Musicians,
duties of.

(903.) SEC. 76. All musicians of bands or companies, whether hired or enlisted, while actually on duty, shall be subject to the same commands, and liable to the same duties and penalties, as other soldiers of such companies and bands.

Penalty for neg-
lect of duty by
clerk.

(904.) SEC. 77. Every clerk of a company, for any neglect of duty or requirement of law, shall forfeit and pay a sum not less than one nor more than ten dollars.

Penalty for neg-
lect of duty by
officers.

(905.) SEC. 78. Every officer of a company or regiment, for any neglect or refusal of duty required by law, or the by-laws of any such company, shall forfeit and pay a sum not less than one nor more than twenty dollars.

Ibid.

(906.) SEC. 79. Every officer of brigade who shall neglect or refuse to discharge any duty required by law, shall forfeit and pay a sum not less than five nor more than fifty dollars.

(907.) SEC. 80. All excuses for the non-appearance of any officer or private shall be made to the commanding officer in writing, within twelve days after the training from which he shall have been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him; and no excuse shall avail any such delinquent before such officer, or on any prosecution for the recovery of the fine or penalty, unless proved to have been made to such officer in writing before the expiration of the twelve days aforesaid, or unless such delinquent shall satisfy the court that it was not in his power to make such excuse within said twelve days.

Excuses for non-appearance to be made in writing.

(908.) SEC. 81. All military fines shall be enforced and collected by complaint, as follows:

Fines, enforcement and collection of.

First. Against brigade officers, on complaint of the commandant of division;

Second. Against regimental officers, by commandant of brigade;

Third. Against commandants of companies, and leaders and musicians of bands, by commandants of regiments;

Fourth. Against officers of companies below the rank of commandant, and musicians, and privates of companies, by the commandant of company.

(909.) SEC. 82. Such complaint shall be entered by the proper officer aforesaid, before a justice of the peace of any city or town-

Complaint.

ship within the limits of the brigade, under oath, stating the cause of the forfeiture, and thereupon said justice shall issue his warrant for the apprehension of the person complained of, and the same

Warrants, issue of. How served.

shall be served by any constable of such city or township, who shall immediately arrest the person complained of, named in said warrant, and bring him before such justice, who shall proceed to a hearing of the case. If, on such hearing, it shall appear to the magistrate that such forfeiture has been incurred without good cause being shown therefor, he shall thereupon impose a fine according to the nature of the case, with costs incurred, and execution shall issue against the goods and chattels of the person complained of; and every judgment rendered for any fine as aforesaid, may be stayed in the same manner as judgments rendered by justices of the peace in civil proceedings; but no execution on such judgment shall run against the body of any defendant under the age of twenty-one years, nor shall any such defendant be committed to jail, by virtue of any execution issued under the provisions of this act, for a longer time than two weeks.

Fine imposed.

Execution.

Stay of judgment.

Fines, when paid.

(910.) SEC. 83. All fines against members of companies, when collected, shall be paid to the clerks of such companies respectively, and against officers of brigades, separate regiments, and leaders and musicians of bands, to the quartermaster of regiments, respectively, for the use of such regiments.

(911.) SEC. 84. No appeal shall be allowed from any justice of the peace on any judgment rendered as aforesaid.

CHAPTER XIII.—MISCELLANEOUS PROVISIONS.

Recruiting offices.

(912.) SEC. 85. The Commander-in-chief shall have power, and it shall be his duty, whenever it becomes necessary in order to maintain the regiments of this State which may be in the service of the United States in full force, to establish one or more recruiting offices, under such regulations as he may think proper, for the enlistment of men to supply any deficiency which may at any time exist in their ranks, and to take all the necessary steps and measures to place the men so enlisted in their proper regiments.

Military stores.

(913.) SEC. 86. Whenever the State troops shall be in actual service, the Commander-in-chief is hereby empowered, through the proper military department, to purchase and distribute all necessary military stores, whether of subsistence, clothing, pay, medicine, field and camp equipage, arms, means for transportation, munitions, and equipments, which shall be properly accounted for to the Legislature; and at the disbanding of said force he shall store the property of the State at such places as he may deem best.

Soldiers mustered into service exempt from arrest and imprisonment.

(914.) SEC. 87. All officers, non-commissioned officers, musicians, and privates, who may be mustered into the service of this State, or into the service of the United States, while under orders for service, either under the authority of this State or the government of the United States (in all cases except for treason, felony, or breach of the peace), shall be privileged from arrest and imprisonment from the time of their being mustered into service to the time of their discharge from such service, and during the same time their separate property shall be exempt from all process, by way of attachment against soldiers who have heretofore gone into the service of this State, or of the United States, and from execution in any case; and in case any such volunteer shall hold any lands purchased of this State, belonging to any of the trust funds of this State, or otherwise, he shall forfeit no right, nor shall his rights be in any way affected, by reason of any failure to pay installments of principal or interest due upon said lands for the purchase money

Property exempt.

Privileges of volunteers holding lands purchased of the State.

agreed to be paid therefor, during the same period: *Provided*, The Proviso.
 said installments shall be paid within one year after his discharge
 from said service; and no settler upon State swamp lands shall
 lose or forfeit any right by reason of having been mustered into
 service according to the provisions of this act: *Provided*, That Notice of ex-
 any person claiming an exemption under this act, after a forfeiture emption.
 of his interest in any State land, shall, on or before the first day of
 August in each year, file with the Commissioner of the State Land
 Office, a notice stating that such person is an enlisted volunteer,
 mustered into the service of the United States or of this State:
And provided further, That the time during which any such person Proviso.
 shall be absent from this State, in the military or naval service
 of the United States or of this State, shall not be computed in the
 limitation of any action or actions embraced or specified in section
 number one, of chapter number one hundred and sixty-five, of the
 Compiled Laws of this State.¹

(915.) SEC. 88. The officers, non-commissioned officers, musi- Courts-martial.
 cians, and privates of the military force mustered into the service
 of this State, by virtue of the provisions of this act, together with
 all sutlers, drivers, and conductors, and all persons receiving pay or
 hire for services in or with the said State troops, in actual service
 in the field, camp, or garrison, shall be taken to be soldiers, and
 subject to be tried by courts-martial for all offenses prescribed in
 the laws of the United States, entitled "An act for establishing
 rules and articles for the government of the armies of the United
 States," and amendments thereto, known as "Articles of war:" *Pro-*
vided, That punishment by flogging or branding shall not in any
 case be inflicted. General and regimental courts-martial shall be Rules and regu-
 organized and governed, as near as may be, in conformity with lations for the
 the said articles of war and the rules and regulations established government of.
 for the government of the United States army.

(916.) SEC. 89. The Commander-in-chief is hereby authorized 1864.
 to establish all necessary rules and regulations for the organization
 and government of such courts, and for carrying into effect their
 decisions, in conformity, as near as may be, with said articles of
 war and said laws and regulations of the United States army.

(917.) SEC. 90. The officers acting as assessors, in any township, Assessors to
 city, or ward, shall annually, at the time they are engaged in tak- make a list of
 ing the assessment or valuation of real and personal property persons liable to
 within their respective assessment districts, make lists of the military duty.

¹ As amended by Act 265, p. 546, of the Laws of 1865, approved and took effect March 18, 1865.

names of all white male persons in such districts, deemed liable to do military duty.

Assessors may question, on oath, persons claiming exemption.

(918.) SEC. 91. The officer acting as assessor at the time and place fixed by law for reviewing assessments of real and personal property, shall question, on oath, all persons claiming exemption from military duty, on account of any disability, or any other cause whatever.

Duty of assessors or in relation to persons who are exempt.

(919.) SEC. 92. On the day of such review, or as soon thereafter as may be, the supervisor or assessor shall write the word "Exempt," opposite the names of all persons exempt by the provisions of this act, or of any law of the United States, or if a member of a uniformed company, or if unable, from disability, to discharge military duty, or if idiot, lunatic, vagrant, or pauper.

Auditor General to apportion a tax to meet the expenses incurred by this act.

(920.) SEC. 93. For the purpose of providing the expenses necessary to carry out the provisions of this act, it shall be the duty of the Auditor General, at the time of apportioning the State taxes for the year one thousand eight hundred and sixty-two, and each year thereafter, to apportion among the several counties of this State, in proportion to the whole amount of real and personal property therein, as equalized by the State Board of Equalization, a sum equal to fifteen cents for each person whom it shall appear, by the return made to the proper officer, voted at the next preceding gubernatorial election, for the office of Governor of this State, which sum so apportioned, shall be collected in the same manner with other State taxes, and shall constitute the State military fund.

Tax, how collected.

Expenses, how paid.

(921.) SEC. 94. All expenses incurred for the maintenance of the military forces of this State, by virtue of any of the provisions of this act, shall be paid by the State Treasurer, from and out of the State military fund in the State Treasury, upon the warrant of the Auditor General.

Auditor General authorized to draw his warrant for amount of expenses incurred.

(922.) SEC. 95. The Auditor General shall, and he is fully authorized and empowered to draw his warrant upon the State Treasurer for all expenses made or created under this act, upon the estimates of the Quartermaster General, or the State Paymaster, approved by the Commander-in-chief and State Military Board.

Acts repealed.

(923.) SEC. 96. All acts heretofore passed by the Legislature for the organization of the militia, and all acts passed in addition thereto, or in alteration of any of said acts, are hereby repealed; but such repeals shall not affect any rights granted by said acts, nor any proceedings depending or unfinished under them; and all military commissions issued by any Executive of this State, prior

to the first day of March, one thousand eight hundred and sixty-one, by virtue of any law heretofore in force, are hereby revoked and canceled.

An Act to provide for the payment of the salaries of the military officers of the State.

[Approved April 15, 1871. Laws of 1871, p. 194.]

(924.) SECTION 1. *The People of the State of Michigan enact*, Appropriation. That there be and the same is hereby appropriated, out of any money in the Treasury to the credit of the military fund not otherwise appropriated, the following sums, for the salaries of the military officers herein named for the year eighteen hundred and seventy-one, and annually thereafter: For the salary of the Adjutant General, the sum of ten hundred dollars; for the salary of the Quartermaster General, the sum of six hundred dollars; for the salary of the Inspector General, one hundred and twenty-five dollars, and such further sum as may be necessary to pay his actual necessary traveling expenses, not exceeding one hundred dollars; also, the further sum of two hundred and seventy-five dollars to pay arrearages due the Adjutant General for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, the same having been occasioned by a deficiency in the appropriations made for said years. Salaries.
Further sum for arrearages due the Adjutant General.

SEC. 2. This act shall take immediate effect.

CHAPTER XIX.

BOUNTIES TO VOLUNTEERS.

An Act to authorize the payment of a State bounty to volunteers mustered from this State into the military service of the United States.

[Approved March 6, 1863. Laws of 1863, p. 60.]

(925.) SECTION 1. *The People of the State of Michigan enact*, Veteran volunteers authorized. That the Governor be and he is hereby authorized to cause to be paid from the war fund, such uniform bounty as he shall deem

necessary, not exceeding fifty dollars, to each veteran volunteer, non-commissioned officer, musician, or private, that may re-enlist and be mustered into the service of the United States, in any regiment, battery, or company heretofore mustered from this State into the military service of the United States, and credited to this State.¹

Payment of
bounty.

Blanks to be
prepared.

(926.) SEC. 2. The Quartermaster General of this State shall pay to each volunteer mustered into the service as aforesaid, as soon thereafter as practicable, such bounty as the Governor shall have directed to be paid; and for that purpose he is hereby authorized and required to cause blanks to be prepared, similar to the pay-rolls used in the United States army, which shall exhibit the name, age, residence, date of payment, and amount paid; and each volunteer, upon receiving said bounty, shall subscribe his name to such roll.

SEC. 3. This act shall take immediate effect.

An Act authorizing the payment of bounties to volunteers in the service of the United States.

[Approved February 5, 1864. Laws of 1864, p. 53.]

Certain acts de-
clared legal and
valid.

(927.) SECTION 1. *The People of the State of Michigan enact,* That in case any township, county, or city, in this State, shall have heretofore voted to raise by tax, or shall have hired or borrowed money, or shall have authorized or directed a committee of citizens, or any township officer or officers, to hire, advance, or raise money, or issued or authorized the issuing of bonds, or other evidences of indebtedness, either by the action of the corporate authority of such township, county, or city, or by the vote of the electors thereof, had for such purpose, or where the board of supervisors of any county, common council of any city, or township board of any township, have agreed, by resolution, to issue bonds or other evidences of indebtedness, with the object and to the end of encouraging enlistments, by paying bounties for volunteers in the military service of the United States, or with the object and to the end of encouraging the procuring of substitutes by persons who may have been or shall be drafted into said service, or to encourage drafted men to enter into said service personally, such action shall be deemed legal and valid, and the money so voted, raised, or hired, or so authorized or directed to be hired, advanced, or raised, and the

¹ As amended by Act 27 of the Laws of 1864, p. 64, approved and took effect February 5, 1864.

bonds, or other evidences of indebtedness, so issued or to be issued, shall be deemed to have been legally voted, raised, or hired, and the said bonds, or other evidences of indebtedness, shall be deemed to have been legally issued, and shall be a valid and lawful claim against the township, county, or city having voted, raised, hired, authorized, or issued the same, and shall be paid in the same manner as the ordinary township, county, or city expenses are paid; and the obligations made, or to be made, to evidence the indebtedness of such township, county, or city, for such money so raised, advanced, or hired, and the bonds, or other evidences of indebtedness, so issued or to be issued, shall be deemed valid and binding upon such township, county, or city; and the tax rolls for the collection of the tax voted or raised as aforesaid, or for the collection of the amount of money hired, advanced, or raised as aforesaid, under authority as aforesaid, whether spread upon the general tax roll, or special tax roll made for that purpose, shall be deemed and are hereby declared to be legal and valid; and whenever the faith of any county has been pledged, and bonds issued and loaned by such county to any township, ward, supervisor district, or city therein, the amount of bonds so taken, with interest, as provided therein, shall be assessed upon the township, ward, supervisor district, or city, taking the same, and shall be collected and paid at the same time and in the same manner as other county taxes are collected and paid.

Certain obligations legalized.

How collected and paid.

(928.) SEC. 2. In all cases where the board of supervisors of any county, the common council of any city, or the township board of any township, or the legal voters of any city, township, or county, have, in their corporate capacity, offered or agreed to pay any bounty to any person or persons for volunteering in the military service of the United States, or have offered or agreed to pay any bounty to any person who may have been drafted into said service for serving therein, either in person or by substitute, or have issued bonds or other evidences of debt, or other instrument claimed to be such, issued in good faith, to pay such bounties, or to raise money to pay the same, the said counties, townships, and cities are, respectively, authorized and empowered to allow and pay the same as valid claims; and such allowance and payment shall, except as is herein otherwise provided, be made in the same manner as ordinary claims are allowed and paid; and such township, city, or county may issue bonds, or certificates of indebtedness, in lieu of any such bonds, certificate, or instrument claimed to be evidences of indebtedness, heretofore issued in good

Bounties heretofore offered to be allowed and paid.

How paid.

Corporations may issue bonds, etc.

faith, for the purpose aforesaid, and so allowed as aforesaid, which bonds or certificates, when issued by a city or county, shall be under the seal thereof; and if by a city, shall be signed by the mayor and city clerk, or recorder thereof; and if by a county, shall be signed by the chairman of the board of supervisors and county clerk; and if by a township, shall be signed by the chairman of the township board and township clerk; and shall bear a rate of interest not exceeding seven per cent per annum, and be payable at any time not exceeding twenty years from the time of such allowance.

How executed. (929.) SEC. 3. In case the board of supervisors of any county, or the common council of any city, or the mayor and recorder, or mayor and city clerk, of any city, have issued, or caused to be issued, or shall hereafter issue, in pursuance of resolution heretofore adopted, bonds, warrants, certificates, or other evidences of indebtedness purporting to be such bonds, warrants, certificates, or other evidences of indebtedness, for the purpose of filling the quota of any township, city, ward, supervisor district, or judicial district of any city, under the draft first ordered for the fifth day of January, in the year of our Lord eighteen hundred and sixty-four, or the call previous thereto, by volunteers or substitutes for drafted men, or drafted men actually entering the military service of the United States, such instruments shall be legal evidence of the indebtedness of such county or city; and the board of supervisors in such county, and the common council of such city, is hereby authorized and required to assess, raise, and collect, or authorize to be assessed, raised, and collected, the amount of bonds, warrants, certificates, or other evidences of indebtedness issued or used for the purpose of filling the quota of any township or supervisor district, or judicial district, or ward of any city in such county or city, and the interest thereon, by tax on the real and personal property taxable within such township, supervisor district, judicial district, or ward, at such time and in such manner as the common council of such city, or the board of supervisors of such county, may, by ordinance or resolution, direct.

Bonds, etc., evidence of indebtedness. **Tax for the payment thereof.** (930.) SEC. 4. The qualified electors in each city, ward, or organized township in this State, shall have power, by vote, in such manner as the common council of the city, or township board of the township, may direct, at the annual charter election, or township meeting, or at any legal meeting, ten days' notice being given of the time and place of holding such meeting, by posting notices thereof in at least five public places in each township or ward,

Electors may determine for or against allowing advances, etc., heretofore made.

which notice shall be given by the clerk or other proper officer of the city or township, stating that the question either of raising moneys, or issuing bonds or other evidences of debt, or that sums advanced or pledged by any individual, or by the inhabitants of such township, ward, or city, and the interest, if any, on money borrowed for the purpose of paying bounties, will be voted upon at such meeting, to determine what sums shall be raised to be paid as a bounty, not exceeding two hundred dollars, to each non-commissioned officer, musician, or private, mustered into the service of the United States, and credited on the quota of said township, ward, or city, on either of the three last calls of the President for men for the military service of the United States, and to determine in favor of or against the allowing and paying any or all advances or pledges made by individuals, or the interest thereon, for the purpose of raising bounties to fill the quota of said township, ward, or city, under the two calls by the President of the United States next preceding the twentieth day of January, eighteen hundred and sixty-four. It shall be the duty of the township board in any township, and common council in any city, which shall have voted in favor of allowing and paying the claims mentioned in this section, to audit and allow all claims which may be presented for that purpose, for money actually paid, or which may be due as bounty to volunteers, as aforesaid, which allowance shall be made in the same manner as other ordinary claims are allowed, upon satisfactory proof that the claim is just and proper; and such claims, when audited and allowed, and bonds or other evidences of debt which shall be issued, as directed by vote as aforesaid, shall be a lawful charge against such township, ward, or city, and shall be paid in the same manner, and on like orders, as the ordinary expenses are paid. The claims and liabilities herein declared to be valid, and such as shall be hereafter incurred by any ward, city or township, according to the provisions of this act, shall be assessed, levied, collected, and paid in the same manner as ordinary claims or liabilities are assessed, levied, and paid; and the common council of such cities are hereby authorized, empowered, and directed to apportion, levy, and assess upon the taxable property of such wards, respectively, the amount so voted to be paid or refunded.

Amount of
bounty.

Claims to be
allowed.

Bonds, etc., to
be a lawful
charge.

Claims, how
paid.

(931.) SEC. 5. It shall be the duty of the township clerks of townships, and recorder or clerks of cities of this State, on or before the first Monday in October of each year, to certify to the supervisor of townships, or common council, or proper officers of

City and town-
ship clerks to
certify amount
of indebtedness.

cities, the amount of indebtedness of his said township, ward, or city, growing out of the payment of bounties to volunteers raised within such township, ward, or city, together with interest thereon, if any, computed up to the first day of February next ensuing, in the same manner as is now, by law, his duty to report, as to the incidental expenses of his township, ward, or city, whose duty it shall be to incorporate said amount in the assessment roll for such township, ward, or city, as a part of the incidental expenses of such township, ward, or city.

Bounties here-
after paid.

(932.) SEC. 6. The township board of any township, and the common council of any city in this State, shall have the power to raise by tax, upon the taxable property of such township or city, or by loan, such sums as may be necessary for the payment of a bounty, not exceeding one hundred dollars for each non-commissioned officer, musician, or private, who shall be enlisted and mustered into the military or naval service of the United States from such township or city, to fill the quota of such township or city, on any call for volunteers made by the President of the United States, since January twentieth, eighteen hundred and sixty-four, or which he may hereafter make; which sum shall be estimated by such board or council, and when raised, as hereinafter provided, shall be paid to each person so enlisted and mustered into such service. In case such money shall be raised by loan, it shall be for a term not exceeding five years, and at a rate of interest not exceeding seven per cent per annum; and such board or council shall have power to issue the bonds, or other evidences of indebtedness, of such township or city therefor.

When raised by
loan, term and
interest of.

Question of
raising money to
be submitted to
electors.

(933.) SEC. 7. Before any moneys shall be raised by tax or loan, as provided by the last preceding section, the electors of such township or city shall, at the annual, or some special meeting, regularly called for that purpose, determine, by vote, the sum to be raised, and whether the same shall be raised by tax or by loan. In case such money shall be raised by loan, the township board of the township, or common council of the city, in which the same is raised, shall have power, and it shall be their duty, from time to time, to raise by tax such sum or sums as shall be necessary to pay the amount of such loan or loans, and the interest thereon, as fast as the same shall become due.

Tax for payment
of loan.

State bounty.

(934.) SEC. 8. There shall be paid from the war fund of this State, a uniform State bounty of one hundred dollars to each person below the rank of a commissioned officer, who may hereafter enlist and be mustered into the military or naval service of the

United States, and who shall be credited on the quota of this State, or any military district thereof, under any call or order of the President or military authorities of the United States, or of this State, made or issued since the first day of January, in the year of our Lord eighteen hundred and sixty-four: *Provided*, That Proviso. none of the bounties provided for in this act shall hereafter be paid to any volunteer, being a resident of this State at the time of enlisting, who shall be credited to any sub-district, township, or ward other than that in which he is enrolled, or, if not enrolled, where he resided at the time of enlistment.

(935.) SEC. 9. The Quartermaster General of this State shall pay Duties of Quartermaster General. to each volunteer mustered into the service as aforesaid, as soon thereafter as practicable, the sum of one hundred dollars as a State bounty; and for this purpose he is hereby authorized and required to cause blanks to be prepared similar to the pay-rolls used in the United States army, which shall exhibit the name, age, and place of residence of such volunteer, date of time, and place of enlistment, and the place of credit, and date of payment, and amount paid; and each volunteer, upon receiving said bounty, shall subscribe his name to such roll: *Provided*, The Quartermaster General shall not pay the bounty contemplated by this section to any Proviso. person, being a resident of this State, unless he shall present the certificate of the provost marshal that he is credited to the township or ward in which he is enrolled, or unless such person shall present his own affidavit that the township or ward to which he is credited is the township or ward in which he actually resides, and that he is not enrolled elsewhere in the State.

(936.) SEC. 10. The time for collecting the taxes specified in the Time for the collection of taxes extended. first section of this act is hereby extended to the second Monday in March next, and in such case, the treasurer of the township or collector of the city, shall pay over all moneys collected during the lifetime of his warrant, as now provided by law, and shall renew his official bond to the satisfaction of the supervisor of the township, or common council of the city, and shall make returns to the county treasurer of all unpaid taxes upon non-resident lands, as now provided by law. A transcript of all unpaid taxes returned Duty of treasurer. to the county treasurer, in pursuance of this section, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year one thousand eight hundred and sixty-three, Return of unpaid taxes. duly returned to the Auditor General for non-payment.

SEC. 11. This act shall take immediate effect.

An Act to provide for the payment of bounties to volunteers in the military and naval service of the United States.

[Approved February 4, 1865. Laws of 1865. p. 29.]

- State bounty.** (937.) SECTION 1. *The People of the State of Michigan enact,* That there shall be paid by the Quartermaster General of this State, during the continuance of the present war, to each volunteer below the rank of a commissioned officer, who shall, after the passage of this act, enlist and be mustered into the military or naval service of the United States, and shall be credited to any military sub-district of this State, a uniform State bounty, as follows:
- Amount.** *First.* To each volunteer who shall hereafter enlist and be credited upon the quota assigned to any military sub-district of this State, under the last or any future call of the President of the United States for troops, the sum of one hundred and fifty dollars; *Second.* To each volunteer for the term of three years, who shall hereafter enlist and be credited upon the quota assigned to any military sub-district of this State, under any future call of the President of the United States for troops, the sum of two hundred dollars in lieu of all other State bounties: *Provided,* That said State bounty shall not be paid by the Quartermaster General to any volunteer, unless,
- When bounty not to be paid.** *First.* He shall, if a resident of this State and enrolled, present the certificate of the provost marshal, or the affidavit of the enrolling officer of the military sub-district where he is enrolled, that he is credited to the township or ward in which he is enrolled; or unless,
- Second.* He shall, if a resident of the State and not enrolled, present his own affidavit, and the affidavit of the supervisor or assessor of the township or ward to which he is credited, showing that at the time of his enlistment he was an actual resident of such township or ward; or unless,
- Third.* He shall, if a non-resident of the State, prove by his own affidavit, to the satisfaction of the Quartermaster General, the fact of such non-residence.
- Duty of Quartermaster General.** (938.) SEC. 2. For the purpose of carrying out the provisions of this act, the Quartermaster General of this State is required to cause blanks to be prepared, similar to the pay-rolls used in the United States army, which shall exhibit the name, age, and place of residence of each volunteer, time and place of enlistment, and the place of credit, with the date of payment and amount paid;

and each volunteer receiving such bounty shall subscribe his name to such roll in person, or by his legal assignee.

(939.) SEC. 3. Each township and city in this State is hereby authorized to pay a sum not exceeding one hundred dollars, as a local bounty, to each volunteer below the rank of a commissioned officer, who, since the nineteenth day of December, eighteen hundred and sixty-four, has enlisted and been mustered in, or shall, after the passage of this act, enlist and be mustered into the military or naval service of the United States, and shall be credited upon the quota assigned to such township or city, or to any ward thereof, under the call or proclamation of the nineteenth day of December, eighteen hundred and sixty-four, issued by the President of the United States, for three hundred thousand troops; and is also authorized to pay a sum not exceeding one hundred dollars, as a local bounty, to each volunteer below the rank of a commissioned officer, who shall hereafter, during the present rebellion, enlist and be mustered into said military or naval service, and be credited upon any quota that shall hereafter be assigned to such township, city, or ward, or who shall be credited to such township, city, or ward, in such a manner that he shall be credited upon the first quota that shall be thereafter assigned to such township, city, or ward: *Provided*, That said local bounties shall be paid to such persons only as are mentioned in section four of this act, and to no other person or persons whomsoever.

Local bounties to volunteers heretofore enlisted.

Bounty to volunteers hereafter enlisting.

(940.) SEC. 4. The local bounties authorized by this act shall be paid to the following classes of persons and to no others, viz:

To whom bounty to be paid.

First. To volunteers, residents of this State, who shall be credited to the township, ward, or military sub-district where they are enrolled at the time of their enlistment;

Second. To volunteers, residents of this State, who, not being enrolled in any military district, shall be credited to the township, city, or ward, or military sub-district in which they actually resided at the time of their enlistment;

Third. To volunteers, not residents of this State, who shall be credited to a township, ward, or military sub-district in this State.

(941.) SEC. 5. For the purpose of paying the local bounties authorized by this act, the board of supervisors of each county is hereby authorized and directed, from time to time, to issue the bonds of such county, in convenient denominations, and place them in the hands of the county treasurer, to be delivered to the several townships, and to any city in said county, in such amounts as may be necessary, at the par value thereof, to enable such townships or city to pay the local bounties authorized by this act.

Issue of bonds authorized.

How executed. (942.) SEC. 6. Said bonds shall be drawn in favor of the county treasurer and signed by the chairman of the board of supervisors and county clerk, with the seal of the county affixed; and when indorsed by the county treasurer they shall be negotiable, and shall be made payable at the office of the county treasurer, at such times, not exceeding ten years from the date thereof, as the board of supervisors shall direct, with interest not exceeding seven per cent per annum, payable at the office of the county treasurer, on the first day in February of each year; and said bonds shall be numbered and registered by the county treasurer, and shall be charged by him to the township or city receiving the same.

Bonds to be delivered to townships and cities. (943.) SEC. 7. It shall be the duty of the township boards and the common council of any city in each county to require of such county, from time to time, sufficient amounts of said county bonds to enable such township or city to pay the local bounties authorized by this act; and thereupon it shall be the duty of the county treasurer, when such bonds shall be required by a township, to deliver the same, upon the order of the township clerk, to the supervisor thereof or to such other person as the township board shall designate; and when required by a city, to deliver the same upon the order of the recorder or city clerk to the city treasurer, or to such other person or persons as the common council shall designate; and such supervisor, city treasurer, or other designated person receiving said bonds shall use and apply the same, under the direction of the township board or common council, to the payment of such local bounties, provided for by this act, as said township board or common council shall direct.

How applied. (944.) SEC. 8. Before any of said bonds shall be delivered to any supervisor, city treasurer, or other person designated as aforesaid to receive the same, and as often as he shall receive any such bonds, such supervisor or other person shall enter into a bond to such county, to be filed with the county treasurer, in a penal sum equal to twice the amount of such bonds delivered, with sureties to be approved by the county treasurer, conditioned that such supervisor, city treasurer, or other designated person receiving said bonds shall apply the same or the proceeds thereof to the payment of said local bounties to such persons only as are authorized by this act to receive the same, and that he will faithfully discharge all the duties imposed upon him by this act.

Supervisor, etc., to give bond. (945.) SEC. 9. Every supervisor, city treasurer, or other person receiving any of said bonds for the payment of bounties, as pro-

Report of supervisor, etc.

vided in this act, shall, on the first Monday of October in each year, and at such other times as the county treasurer shall direct, make and file with such county treasurer a report in writing, and on oath, showing the name, residence, and place of enrollment, Contents thereof (if enrolled), and time and place of enlistment of each volunteer to whom he shall have paid a local bounty, and the amount of bounty paid to such volunteer, and the township, city, or ward for whose benefit such bounty was paid, and the amount of surplus, if any, of the bonds or proceeds thereof remaining in his hands undisposed of, which surplus shall be delivered to said county treasurer, on demand, to be credited to the proper township or city.

(946.) SEC. 10. The bonds issued in pursuance of the provisions of this act shall not be negotiated or disposed of by any supervisor, city treasurer, or other person designated to receive them as aforesaid, for less than their par value. Bonds not to be sold for less than par.

(947.) SEC. 11. Whenever any of said county bonds shall have been received and used for the benefit of any township or city, or any ward in such city, there shall be raised, from time to time, by tax upon the taxable property therein, such sum or sums as shall be necessary to pay the principal and interest of such bonds so used, as the same shall become due, which sum shall be assessed, Tax for payment of bonds. collected, and paid into the county treasury at the same time, and in the same manner, as moneys raised by tax for State and county purposes; and for that purpose the board of supervisors shall, at their annual session in October in each year, ascertain and determine the amount of money to be raised by tax from such township, and for such ward of said city, in said county, for the year, to pay such principal and interest, and the clerk of the board shall certify the amount so ascertained and determined, to the county treasurer, and to the supervisor of such township, and to the proper city or ward officer, for assessment, in the same manner as State and county taxes are certified. How assessed.

(948.) SEC. 12. No township, city, or county shall, at any time hereafter, vote any tax, or sum of money, or to raise, or pay, or to secure the payment of any sum of money, nor shall any such township, city, or county, in any meeting of the electors thereof, or otherwise, pledge the faith or credit of such township, city, or county, for the purpose of raising any sum of money for the payment of any bounty or gratuity, to induce any person to enlist in the military or naval service of the United States, except as in this act provided. All such votes, pledges, or undertakings, other than is herein authorized, shall be utterly void. Municipalities not to raise money other than as herein provided.

Penalty for
misuse of bonds,
etc.

(949.) SEC. 13. Any city or township officer, or other person, who shall use or apply any of the county bonds in this act authorized, or any of the proceeds thereof, or any moneys belonging to any city or township, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, nor less than five hundred dollars, and by imprisonment in the county jail for a term not less than six months nor more than one year, or by imprisonment in the State Prison for a period not exceeding two years.

Acts repealed.

(950.) SEC. 14. All acts and parts of acts contravening the provisions of this act are hereby repealed, saving all rights and obligations that have accrued thereunder.

SEC. 15. This act shall take immediate effect.

An Act to provide for the payment of bounties by the State Treasurer upon the warrant of the Auditor General.

[Approved April 15, 1871. Laws of 1871, p. 207.]

Proceedings on
application for
bounty.

(951.) SECTION 1. *The People of the State of Michigan enact,* That whenever application shall be made to the Quartermaster General by any soldier, sailor, or marine, or by the widow, child, or children of a deceased soldier, sailor, or marine, for any bounty heretofore authorized by the laws of this State, it shall be the duty of the Quartermaster General to examine said claim, and if it shall appear that said applicant is entitled to the sum claimed, or any part thereof, he shall make the necessary certificate, showing the amount so due, which certificate he shall forward to the Auditor General. The Auditor General shall thereupon examine the books and records in his office, and if it shall not appear therefrom that said bounty, or any part thereof, has been paid to the claimant or any other person, he shall draw his warrant upon the State Treasury for the amount so due, the amount of which warrant, upon presentation thereof, shall be paid to the soldier, sailor, or marine, or to the widow, child, or children of a deceased soldier, sailor, or marine, named therein, and to no other person.

To whom paid.

Acts repealed.

(952.) SEC. 2. No bounty shall hereafter be paid excepting in the manner hereinbefore provided, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3.¹

¹ Repealed by Act 181 of the Laws of 1871, p. 308.

An Act to legalize the action of townships, cities, and counties, in raising bounties for volunteers.

[Approved March 7, 1863. *Laws of 1863, p. 22.*]

(953.) SECTION 1. *The People of the State of Michigan enact,* Tax, etc., heretofore raised, declared valid.
That whenever any township; county, or city in this State has voted money or raised a tax, or has hired money or issued bonds for the purpose of paying bounties for volunteers in the military service of the United States, such action shall be deemed legal and valid, and the money or tax so voted, raised, or hired shall be deemed to have been legally voted, raised, or hired, and shall be a proper and lawful charge upon the county, township, or city so voting, raising, or hiring the same, and shall be paid in the same manner as other charges for ordinary expenses are paid; and the obligations made, or to be made, to secure the payment or evidence the indebtedness of the money so raised or hired, shall be deemed valid and binding upon said township, city, or county; and the tax rolls for the collection of the tax so as aforesaid raised or voted, shall be deemed and are hereby declared to be legal and valid, so far as said tax is concerned.

(954.) SEC. 2. The qualified electors in each organized township or ward of any incorporated city of this State may determine by a vote, by ballot, at the annual township meeting in the year eighteen hundred and sixty-three, or at any subsequent legal meeting in the year eighteen hundred and sixty-three, ten days' notice being given of the vote for said tax to be voted upon, by posting such notice in at least three public places in each township, and in each ward of said cities, which notice is hereby required to be given by the township clerk of townships and recorder or city clerk of cities, that sums paid, advanced, or pledged by any individual, or by the inhabitants of such township or city, and the interest on money borrowed for such purpose, as a bounty or bounties to volunteers enlisted into the military service of the United States since July first, in the year of our Lord eighteen hundred and sixty-two, and previous to the passage of this act, and any sum that the qualified electors thereof may determine shall be raised, to be paid as a bounty or bounties to volunteers enlisted as aforesaid, may be allowed and paid as claims against said township or city; and it shall be the duty of the township clerk of said townships, and the city clerk of said cities, to ascertain, prior to any such meeting, as near as may be, the sums to be so authorized to be raised, and

Electors may determine the sums paid to be claims against cities, etc.

submit the same at the opening of the polls, to the electors, and keep the same during the meeting, open for their inspection.

Manner of voting

(955.) SEC. 3. Those voting for the allowance and payment of such claims, as mentioned in the preceding section, shall have written or printed upon their ballots "For refunding the bounty," and those voting against such allowance shall have written or printed upon their ballots "Against refunding the bounty;" and the ballots shall be received, disposed of, and canvassed, and the result declared by the board of inspectors of election, in the same manner as is by law provided for receiving and canvassing the votes and declaring the result at the annual city or township elections.

Canvass and declaration of vote.

Claims to be audited.

(956.) SEC. 4. It shall be the duty of the township board in any township, and the common council in any city, in which it shall have been determined, as specified in the two preceding sections, in favor of allowing and paying the claims mentioned therein, to audit and allow all claims which may be presented for that purpose, for money actually paid by such claimant or the person he may represent, or which may be due as a bounty to volunteers for enlisting in the military service of the United States, since the first day of July, in the year of our Lord eighteen hundred and sixty-two, and previous to the passage of this act, which allowance shall be made in the same manner as other ordinary claims are allowed, upon satisfactory proof that such claim is just and proper;

Private subscriptions not to be refunded.

but nothing herein contained shall authorize the repayment to any person or persons of any moneys paid as a bounty, or as an inducement to others to enlist, unless such payment shall be made from a general subscription or loan in the township or ward, and paid over to a township or city officer, or some other person or persons informally authorized, as aforesaid, to receive and pay the same, and with the understanding among the persons subscribing or loaning the same, that the amount should be refunded whenever the township or ward should be authorized so to do; and no payment of bounty shall be made, under the authority of this act, to any commissioned officer in such service.

Bounty not to be paid commissioned officers.

Claims audited, a charge against city, etc.

(957.) SEC. 5. Such claims, when audited and allowed, as specified in the preceding section, shall be a lawful charge against such township or city, the same as other claims audited by the township board or common council, and shall be paid in the same manner, and on like orders, as ordinary expenses are paid; and taxes to pay the same shall be raised or voted in the same manner as funds are now raised or voted to pay the ordinary expenses of the

Payment of.

Tax therefor, how raised.

township or city; and the same shall be treated and regarded, in all respects, not herein otherwise provided, as other claims allowed against the township or city are regarded and treated.

(958.) SEC. 6. That whenever any board of supervisors of any county, township board of any township, or common council of any city, or any committee regularly appointed at a public meeting of the citizens of any county, township, or city, has solicited subscriptions from the people for the purpose of paying bounties for volunteers in the service of the United States, and has pledged the faith of such board or council, or the municipal corporation represented by such board, to refund the amount of such subscriptions to the individuals making the same, when such county, township, or city should thereafter be lawfully authorized thereto, or where said boards have pledged, by resolution, that any bounties should be paid whenever they should be authorized by law to raise and pay the same, it shall be lawful for the board of supervisors of such county, the township board of such township, or the common council of such city, at any regular meeting held at any time hereafter, to provide for the repayment of such subscriptions, by the issue of the bonds of such county, township, or city, or by raising a sufficient sum for such purpose by tax on the taxable property of such county, township, or city, in the year eighteen hundred and sixty-three, to be levied and collected in the same manner as county, township, or city taxes, or by raising a portion in said year eighteen hundred and sixty-three, and the remainder in subsequent years, as such board or council may determine: *Provided*, That in case where any committee, regularly appointed, at a public meeting of the citizens of any county, township, or city, has solicited subscriptions from the people, for the purpose of paying bounties for volunteers in the service of the United States, the board of supervisors, the township board, or common council shall not provide for the repayment of such subscriptions until the qualified electors of said county, township, or city shall so determine by vote, according to the provisions of section two of this act.

Provisions for the payment of bounties heretofore paid or pledged.

Provided.

(959.) SEC. 7. The time for collecting the taxes for the year of our Lord eighteen hundred and sixty-two, mentioned in the first section of this act, is hereby extended to the last Monday of March next; and in such case the treasurer of the township, or collector of the city, shall pay over all moneys collected during the lifetime of his warrant, as now provided by law, and

Time for the collection of taxes extended.

shall renew his official bond to the satisfaction of the county treasurer of such county.

SEC. 8. This act shall take immediate effect.

CHAPTER XX.

SOLDIERS' AID FUND.

An Act to create a soldiers' aid fund for disabled Michigan soldiers, sailors, and marines, and Michigan men who have served in the late war in other State organizations, or in the forces of the United States, and to repeal act number thirty-one, Session Laws of eighteen hundred and sixty-three, entitled "An act for the relief of sick, disabled, and needy soldiers, approved February eighteenth, eighteen hundred and sixty-three;" also, act number thirty-six, Session Laws of eighteen hundred and sixty-seven, being an act to provide a temporary home for disabled Michigan soldiers, approved March eighth, eighteen hundred and sixty-seven; also, act number one hundred and fourteen of Session Laws of eighteen hundred and sixty-seven, entitled "An act to provide a soldiers' permanent home commission, and to define its duties," approved March twenty-sixth, eighteen hundred and sixty-seven; also, act number two hundred and twenty-eight of Session Laws of eighteen hundred and sixty-five, being an act making an appropriation for the soldiers' relief fund.

[Approved March 16, 1869. Laws of 1869, p. 52.]

Appropriation.

Name and purpose of fund.

Where assistance to be rendered.

Soldiers of other States may be temporarily aided.

(960.) SECTION 1. That an amount not to exceed four thousand dollars per annum be and the same is hereby appropriated from the military fund, to be set apart and denominated the "Soldiers' aid fund," for the support and care of infirm, maimed, and needy Michigan soldiers, sailors, and marines, and Michigan men who enlisted from this State in other State volunteer forces, or the United States service, and were residents of this State at the time when said service was rendered; said assistance to be rendered at the Harper Hospital, in the city of Detroit, and elsewhere, and to otherwise aid them; and also to assist, temporarily, destitute discharged soldiers, sailors, and marines of other States, in the discretion of the State Military Board.¹

¹ As amended by Act 70 of the Laws of 1871, p. 89, approved and took effect March 31st 1871.

(961.) SEC. 2. The State Military Board is hereby authorized to make the necessary contracts and arrangements for the maintenance, care, and support of Michigan soldiers and Michigan men, as specified in section one, at said Harper Hospital, or to grant them aid at their homes to an amount not exceeding contract rates for their maintenance at said Harper Hospital, of which they must previously have been inmates to entitle them to this aid outside of said hospital.

Authority of
State Military
Board.

(962.) SEC. 3. Said board may also appoint a superintendent, assistant or assistants, and revoke such appointments at pleasure, and make rules and regulations for the admission, government, and dismissal of the beneficiaries herein provided for, and do all other acts and things necessary to carry out the objects of this act.

Superintendent;
how appointed.

(963.) SEC. 4. It shall be the duty of the Adjutant General of this State to issue his order of admission to the soldiers' home, at the Harper Hospital, as contemplated in section two of this act, or the State Military Board are hereby empowered to grant the same *pro rata* aid, in conformity with section two: *Provided however*, That said soldier, sailor, or marine was in service during the late war for the suppression of the rebellion; was honorably discharged; and, at the time of making such application, is sick, infirm, maimed, or otherwise unable to maintain himself, and under such other conditions as may be prescribed by said Military Board.

Admission to
hospital.

Proviso.

(964.) SEC. 5. Any person entitled to such order of admission, who is receiving, or is entitled to receive, a pension from the government of the United States, shall receive such order only on condition that he shall first constitute and appoint the Adjutant General his attorney during his stay at said home, to collect or procure such pension; and when such pension shall be collected by said Adjutant General, the same shall be paid over by him as follows: Two dollars to the person executing power of attorney, on the first Monday of each month, the remainder to his family; and in case he has no family, then to the State Military Board, to be used by them in defraying the expenses of said home.

When person
admitted to
make Adjutant
General his at-
torney.

(965.) SEC. 6. All disbursements of money for the objects sought by this act shall be under the direction of the State Military Board; and upon the requisition of said Board, the Auditor General shall draw his warrant or warrants, for such sum or sums, not exceeding in all the appropriation hereby made, on the State Treasurer, who is hereby authorized to pay and charge the same to the soldiers' aid fund. Said board shall keep a record of all their transactions in connection with said home and fund, and make

How money dis-
bursed.

State board to
keep records,
and report.

annually, on the first day of December, a report to the Governor, of all moneys received and disbursed by them, together with such other facts and recommendations as said board may deem proper.

Acts repealed.

(966.) SEC. 7. The following acts are hereby repealed, viz: act number thirty-one, session laws of eighteen hundred and sixty-three, being "An act for the relief of sick, disabled, and needy soldiers," approved February eighteenth, eighteen hundred and sixty-three; act number thirty-six, session laws of eighteen hundred and sixty-seven, being "An act to provide a temporary home for disabled Michigan soldiers," approved March eighth, eighteen hundred and sixty-seven; act number one hundred and fourteen, session laws of eighteen hundred and sixty-seven, being "An act to provide a soldiers' permanent home commission, and to define its duties," approved March twenty-sixth, eighteen hundred and sixty-seven; act number two hundred and twenty-eight, session laws of eighteen hundred and sixty-five, being "An act making appropriations for the soldiers' relief fund," approved March eighteenth, eighteen hundred and sixty-five.

SEC. 8. This act shall take immediate effect.

TITLE VIII.

TAXES AND DUTIES.

CHAPTER XXI. The Assessment and Collection of Taxes.

CHAPTER XXII. Specific State Taxes and Duties.

CHAPTER XXI.

ASSESSMENT AND COLLECTION OF TAXES.

An Act to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

[Approved and took effect April 6, 1869. Laws of 1869, p. 325.]

(967.) SECTION 1. *The People of the State of Michigan enact,* ^{Property sub-} That all property, real and personal, within this State, not expressly ^{ject to taxation.} exempted therefrom, shall be subject to taxation in the manner provided by law.

(968.) SEC. 2. Real estate shall, for the purpose of taxation, be ^{Real estate.} construed to include all lands in the State, and all buildings and fixtures thereon, except in cases otherwise expressly provided by law.

(969.) SEC. 3. Personal estate shall, for the purposes of taxation, ^{Personal estate.} be construed to include all goods, chattels, moneys, credits, and effects, wheresoever they may be; all ships, boats, and vessels belonging to inhabitants of this State, whether at home or abroad, and all capital invested therein; all moneys at interest, either within or without this State, due the person to be taxed more than

he pays interest for, and all other debts due such persons more than their indebtedness; all public stocks and securities, all stock in turnpikes, railroads, canals, and other corporations (except national banks) out of the State, owned by inhabitants of this State; all personal estate of moneyed corporations whether the owner thereof reside in or out of this State, and the income of any annuity, unless the capital of such annuity be taxed within the State; all shares of stock in any bank organized, or that may be organized under any law of this State or of the United States; and all improvements made by persons upon lands held by them under the homestead laws of the United States, the fee of which lands is still vested in the United States, and all such improvements upon lands the title to which is still vested in the State of Michigan.

Corporate prop-
erty.

(970.) SEC. 4. All property of private corporations, except in the cases where some other provision is made by law, shall be assessed in the name of the corporation, in the township or ward where the same shall be situated; and in collecting the same, all the personal property of such corporation shall be liable to be seized wherever the same may be found in the county, and sold in the same manner as the property of individuals may be sold for taxes.

Exemptions.

(971.) SEC. 5. The following property shall be exempt from taxation, viz:

First. Household furniture, including stoves put up and kept for use in any dwelling-house, not exceeding in value two hundred dollars;

Second. All spinning and weaving looms and apparatus, not exceeding in value fifty dollars;

Third. All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family;

Fourth. The library and school books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures;

Fifth. To each householder, fifteen sheep with their fleeces, and the yarn and cloth manufactured from the same, two cows, five swine, and provisions and fuel for the comfortable subsistence of such householder and family for six months, and all musical instruments kept for use, not exceeding in value one hundred dollars;

Sixth. All the property of the United States and of this State, except lands bid off for the State at tax sales, except as hereinafter provided;

Seventh. All public or corporate property of the several counties, ^{ibid.} cities, villages, townships, and school districts in this State, used or intended for corporate purposes;

Eighth. The personal property of all library, benevolent, charitable, and scientific institutions, incorporated within this State, and such real estate belonging to or leased by such institutions as shall be actually occupied by them for the purposes for which they were incorporated;

Ninth. All the houses of public worship, with the pews or slips and furniture therein; also the land on which such houses of worship may stand, so far as occupied by such houses of worship, and for no other purposes, and rights of burial and tombs, while in use as repositories of the dead; and also any parsonage, owned and occupied as such by any religious society incorporated under the laws of this State;

Tenth. The personal and real estates of persons who, by reason of infirmity, age, or poverty may, in the opinion of the supervisor, be unable to contribute towards the public charges.

(972.) SEC. 6. When a tenant, paying rent for real estate, shall be ^{Taxes paid by} taxed therefor, he may retain, out of his rent, the taxes paid by ^{tenant.} him for the same, unless there be an agreement to the contrary.

(973.) SEC. 7. All personal estate within this State, except in the ^{Personal and} cases where other provision is made by the third and eighth sections ^{resident real} of this act, shall be assessed to the owner in the township where he ^{estate; when} shall be an inhabitant on the second Monday of May, and all resident ^{assessed.} real estate to the person occupying it on that day, unless the same shall be given in by some other person for assessment to him.

(974.) SEC. 8. The excepted cases referred to in the preceding ^{Excepted cases.} section, and not included in said section three, are the following:

First. All goods, wares and merchandise, or stock in trade, including stock employed in the business of the mechanic arts, in any township other than where the owners reside, shall be taxed in the township where the same may be, if the owner hire or occupy a store, mill, shop or warehouse therein, and shall not be taxable where the owner resides; and all shares in national or State banks, owned by persons not residents of this State, shall be taxed in the township or city where the bank is located, and not elsewhere;

Second. All horses, mules, and neat cattle, sheep, and swine, kept throughout the year, other than where the owner resides, shall be assessed to such owner in the township where they are kept;

Third. All personal property of non-residents of this State shall be assessed to the owner or to the person having the possession or

control thereof, in the township or city where the same may be, or in case the same is in transit, at the place of destination within the State;

Excepted cases.

Fourth. All personal property belonging to minors under guardianship shall be assessed to the guardian in the township where he is an inhabitant, and the personal property of every other person under guardianship shall be assessed to the guardian in the township of which the ward is an inhabitant;

Fifth. All personal property held in trust by any executor, administrator, or trustee, the income of which is to be paid to any married woman or other person, shall be assessed to the person having possession or charge of such property, in the township of which he is an inhabitant, whether such married woman or other person reside within or without this State;

Sixth. Personal property placed in the hands of any corporation, as an accumulating fund for the future benefit of heirs or other persons, shall be assessed to the persons for whose benefit the same is accumulating, if within this State; otherwise, to the person so placing it, or his executors or administrators, until a trustee shall be appointed to take charge of such property, or of the income thereof;

Seventh. The personal estate of persons deceased, which shall be in the hands of executors or administrators, shall be assessed to the executors or administrators in the township where the deceased last dwelt, until they shall give notice to the supervisor that the estate has been distributed and paid over to the parties interested.

Eighth. All property held by any religious society as a ministerial fund shall be assessed to the treasurer of such society; and if such property consists of real estate, it shall be taxed in the township where such property lies; if it consists of personal property, it shall be taxed in the township where such society usually holds its meetings.

Personal property when mortgaged.

(975.) SEC. 9. When personal property is mortgaged or pledged, it shall, for the purpose of taxation, be deemed the property of the person who has possession thereof.

Undivided real estate of deceased persons.

(976.) SEC. 10. The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person, unless occupied by some other person to whom it may be assessed, without designating them by name, until they shall have given notice to the supervisor of the division of such estate, and the names of the several heirs and devisees; and each heir and devisee shall be liable for the whole of such tax, and shall have a right to recover of

the other heirs and devisees their respective portions thereof, when paid by him.

(977.) SEC. 11. Any person holding a part-paid certificate of the purchase of university, primary school, State building, swamp, salt spring, or other State lands, or occupying the same, shall be liable to be assessed therefor, as if he were the actual owner thereof: *Provided however*, That the same shall be assessed as personal property, and not as real estate, and the tax thereon shall be collected in the manner hereinafter prescribed.

Certificate of purchase of State lands.

Proviso.

(978.) SEC. 12. Partners in mercantile or other business, whether residing in the same or different townships, may be jointly taxed under the partnership name, in the township where their business is carried on, for all the personal property employed in such business; and, if they have places of business in two or more townships, they shall be taxed in those townships for the proportion of property employed in such townships respectively; and, in case of being so jointly taxed, each partner shall be liable for the whole tax.

Partners, where may be taxed.

(979.) SEC. 13. The term "money" or "moneys," whenever used in this act, shall be held to mean gold and silver coin, and bank notes, and every deposit which any person owning the same or holding in trust and residing in this State, is entitled to withdraw in money on demand. The term "credits," whenever used in this act shall be held to mean and include every claim and demand for money or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deed or mortgage, due or to become due. The terms "parcel of real property" and "parcel of land," whenever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimants, person, or company. Every word importing the singular number only may extend to and embrace the plural number; and every word importing the plural number may be applied and limited to the singular number; and every word importing the masculine gender only may be extended and applied to females as well as males. Whenever the word "oath" is used in this act, it may be held to mean affirmation; and the word "swear," in this act, may be held to mean affirm. The words "town" or "townships," when used in this act, shall be construed to mean ward or city, as the case may be. The term "cash value," whenever used in this act, shall be held to mean the usual selling price at the place where the prop-

Meaning of certain terms used in this act.

erty to which the term is applied shall be at the time of assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale.

Statement to supervisor, who to make and what to contain.

(980.) SEC. 14. Every person of full age and sound mind, and every firm, body politic or corporate, shall, when called upon as hereinafter provided, forthwith make a full and true statement in writing to the supervisor of the township or ward in which he resides, in which shall be distinctly and truly set forth a correct description of all the real estate and personal property not by this act exempt from taxation, and not by the laws of this State subject to a specific tax, of which he or she is the owner or the holder, as guardian, parent, husband, or trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor; and also all moneys and credits owned or held as aforesaid; and the cashier of any State or national bank in said township or ward, when called upon as aforesaid, shall also truly and fully set forth the names of all non-residents of this State owning shares of stock in such bank, and the number and amount of such shares owned by each non-resident respectively, as the same shall appear upon the books of said bank, and in case of neglect or refusal so to do, said cashier shall be deemed guilty of a misdemeanor.

Itemized account of property.

(981.) SEC. 15. Every person required by this act to make or deliver such statement shall set forth an account of the property held or owned by him or them, as follows:

Contents.

First. An accurate description of each parcel of land, with the number of acres and the number of acres improved, and the number and kinds of buildings thereon;

Second. The number of neat cattle six months old;

Third. The number of horses over six months old;

Fourth. The number of sheep over six months old;

Fifth. The number of hogs over six months old;

Sixth. Every wagon and carriage;

Seventh. Every gold or silver watch;

Eighth. The number of bushels of grain and the quantity of all other farm produce in the possession of the producer;

Ninth. All merchandise not included in the eighth subdivision of this section;

Tenth. Every musical instrument of the value of one hundred dollars and upwards;

Eleventh. All moneys and all credits;

Twelfth. All other personal property held or owned by him, including the shares in any State or national bank in this State;

Thirteenth. The amount of moneys upon which he pays interest, 184. providing he desires to have the same deducted from his moneys and credits;

Fourteenth. The amount of all other *bona fide* indebtedness, provided he desires to have the same deducted from his moneys and credits.

(982.) SEC. 16. Such statement the supervisor may, in his discretion, require to be subscribed by the person making the same; and it shall further mention who is the owner of the property so described, and whether the same is held by him, the maker of such statement, individually, or in his own right, or whether held for any other person, and if held for any other person, then state for whom, in what capacity, or on what account so held, giving the name of the person for whom he holds.

Supervisor may require statement to be subscribed, etc

(983.) SEC. 17. No person shall be required to include in such statement any share or portion of the capital stock of any company or corporation, which company or corporation is by law exempt from taxation, or by law required to pay a specific tax in lieu of all other taxes on such share or portion of capital stock, or whose corporate property is subject to assessment under the provision of section four of this act.

Corporate property paying specific tax not to be included in statement.

(984.) SEC. 18. It shall be the duty of each supervisor, on or before the second Monday in May, to call upon each taxable person in his township, at his residence, boarding-place, or usual place of business, at which time he shall furnish each taxable person a blank form for the statements required by the fifteenth section of this act; and thereupon said taxable person shall forthwith make and deliver to said supervisor a full and true statement of the taxable property in his possession, according to the provisions of this act; and immediately thereafter the said supervisor shall proceed to examine said property, and estimate, and set down the true value thereof, the same being the price which could be obtained therefor at private sale, and not at forced or auction sale, and being the true cash value as defined in section thirteen of this act, deducting from the moneys at interest and other credits of such person, the amount of money upon which he or she pays interest, together with his other *bona fide* indebtedness, as set forth in said statement.

Supervisor to furnish blank forms for statements.

Estimate of true cash value of property by supervisor.

(985.) SEC. 19. In every case where any person shall neglect or refuse to make out and deliver a statement of his real and personal property, moneys, and credits, or to exhibit the same to the supervisor, as required by this act, it shall be the duty of said supervisor and he is hereby authorized to examine on oath the person so

On neglect to make out statement; duty of supervisor.

refusing, and any other person or persons who he may have good reason to believe and does believe has knowledge of the amount or value of any property, moneys, or credits owned or held by such person so refusing; and said supervisor shall assess any property, money, or credits, owned or held by such person so refusing, at its true cash value, as the same is hereinbefore defined: *Provided*, That if any person shall neglect or refuse to make such statement, or in case any person owning any taxable property in this State, or any money loaned in this State, shall be absent from the township or cannot be found therein by the supervisor of such township, during the time the assessment roll is required by law to be made, leaving no agent known to such supervisor to make the required statement, such supervisor is hereby authorized to set down and assess to such person any amount of personal property he may deem just and proper, subject to reduction on review, upon oath of the party in interest, his agent, or attorney.

Proviso.

Review of assessments; when to be made by supervisor.

(1886.) SEC. 20. On the third Monday of May, it shall be the duty of the supervisor of each of the several townships to be present at his office, from eight o'clock in the forenoon until twelve, noon, and from one o'clock in the afternoon until five o'clock in the afternoon, for the purpose of reviewing his assessment, and so on the two next following days; and, on the request of any person, his agent or attorney, considering himself aggrieved, on sufficient cause being shown to the satisfaction of the supervisor, he shall alter the assessment as to the valuation thereof, and he shall also, upon sufficient cause being shown by any credible person on behalf of any other person whose property is assessed, alter the assessment in such manner as shall to him appear just and equal; and to this end he may in either case examine on oath the person making the application, or any other person present, touching the matter, which oath the supervisor is hereby authorized to administer.

Power to alter valuation.

Assessment roll; contents of.

(1887.) SEC. 21. The assessment roll shall contain the names of the resident persons liable to be taxed; a full description of the real estate of such persons; the number of acres in each tract or parcel, as near as the same can be ascertained; the estimated value of each tract or parcel, and the aggregate valuation of the personal estate of each person liable to be taxed, as appears from the statements in the possession of the supervisor.

Auditor General to transmit blanks to county treasurer.

(1888.) SEC. 22. For the purposes mentioned in the preceding sections of this act, the Auditor General shall, before the first Monday in March in each year, prepare and transmit suitable

blanks to the several county treasurers, who shall, before the first Monday in April, supply all the supervisors in their several counties with the same. The Auditor General is authorized and instructed to furnish, at the expense of the State, to each supervisor and assessor in the several townships and cities in this State, a copy of this law, at the earliest day practicable.

To furnish copy
of law.

(989.) SEC. 23. The description of real estate may be as follows: Real estate;
how described.

First. If the land to be assessed be an entire section, it may be described by the number of the section, township, and range;

Second. If the tract be a subdivision of a section authorized by the United States for the sale of the public lands, it may be described by a designation of such subdivision, with the number of the section, township, and range;

Third. If the tract be less or other than such subdivision, it may be described by a designation of number of the lot or other lands by which it is bounded, or in some way by which it may be known;

Fourth. In case of lands surveyed or laid out as a city or village, and a plat thereof recorded in the register's office of the county, if the tract to be assessed be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, it may be described by its boundaries, or some other way by which it may be known, and it shall not be necessary to insert the quantity of such land in the assessment roll. When any lands have been or hereafter shall be laid out as a city or village, or as an addition of any city or village, and the same has not been duly recorded in the register's office of the county, and any one or more of the lots have been or may be sold by the numbers thereof, according to the plat of said city or village, or addition thereto, such land, laid out as aforesaid, may, in the discretion of the supervisor, be assessed in whole or in part, according to the subdivision as represented on the plat of said city or village, or in some other way by which it may be known; and if such subdivision or parcel be a whole lot or block, it shall be described by a designation of the number thereof; and, if it be a part of a lot or block, such part shall be defined, or it shall be described by its boundaries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity or contents of such land in the assessment roll;

Fifth. If the land to be assessed be a tract of which the subdivision is not known to the supervisor, it shall be entered upon the

roll by the boundaries thereof, or in some other way by which it may be known.

Sixth. Undivided shares or interests in lands shall be assessed to the owners thereof, if such ownership is known to the supervisor, and no tract in the same section, known to the supervisor to have been originally entered as one parcel, shall be subdivided in assessing, unless the fact of a subdivision having been made be known to the supervisor;

Seventh. It shall be sufficient to describe lands to be assessed or sold for taxes in the manner heretofore in use, by initials, letters, abbreviations, and figures.

Non-resident
lands.

(990.) SEC. 24. All lands unoccupied and not claimed to be owned by any resident of the township where they are situated, and not exempt from taxation, may be assessed as non-resident lands, and it shall be the duty of the supervisor to enter the same on a part of the roll separate from that upon which the estates of residents are entered, and when real estate is occupied it may be assessed to the occupant or supposed owner or person exercising control over the same. When a person is assessed as a trustee, guardian, executor, or administrator, a designation of his representative character may be added to his name, and such assessment shall be entered on a separate line from his individual assessment.

Property held in
trust.

Certificate of
supervisor on
completion of
roll; form of.

(991.) SEC. 25. When the supervisor has reviewed and completed the assessment roll, it shall be his duty to attach thereto, signed by him, a certificate, which may be in the following form: "I do hereby certify that I have set down in the above assessment roll, all the real estate in the township of _____, liable to be taxed, according to my best information, and that I have estimated the same at what I believe to be the true cash value thereof, and not at the price it would sell for at a forced or auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that I have estimated the same at the true cash value, as aforesaid, according to my best information and belief."

Time of notice
by town clerk to
supervisor, and
by him to county
clerk, of amount
to be raised by
tax.

(992.) SEC. 26. It shall be the duty of the township clerk of each township, or of the proper officer of any ward or city, on or before the first day of October of each year, to make and deliver to the supervisor of his township or ward, a certified copy of all statements on file, or of record, in his office, of moneys proposed to be raised therein by taxation, for all purposes, together with a statement of the aggregate amount thereof, and such statements,

duly certified by the township clerk, or the proper officer of the ward or city, shall by such supervisor be delivered to the clerk of the board of supervisors of the county within which such township or city is situated, on or before the second Monday of said month, and such statement shall, by said county clerk, be laid before the board at its annual meeting, and filed in his office.¹

(993.) SEC. 27. The board of supervisors in each county shall, at their session in October in each year, examine the assessment roll of the several townships, and ascertain whether the relative valuation of the real estate in the respective townships has been equally and uniformly estimated. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in the township or townships such an amount as in their judgment will produce relatively an equal and uniform valuation of the real estate in the county, and the amount added to or deducted from the valuation in each township shall be entered upon the records. They shall also cause to be entered upon their records, the aggregate valuation of the taxable real and personal property of each township, ward, or city in their county, as determined by them.

When board of supervisors to examine assessment rolls.

Power of board to equalize valuation.

Record of determination.

(994.) SEC. 28. The board of supervisors shall also make such alterations in the description of any lands upon such rolls as may be necessary to render such description conformable to the requirements of this act.

Alteration of descriptions.

(995.) SEC. 29. After the assessment shall have been equalized, and the descriptions corrected, as provided in the two last preceding sections, it shall be the duty of the chairman of the board to make and sign a certificate, upon or appended to the roll of each township, which certificate may be in the following form, to wit:

Corrected roll to be certified by chairman of board.

"I do hereby certify that the board of supervisors have equalized and corrected the within roll, by adding to or deducting from the valuation of the real estate made by the supervisor thereon, or without adding to or deducting from the valuation of the real estate made by the supervisor, as the case may be, and have determined the aggregate value of the taxable property in the township of to be dollars and cents, for the year eighteen hundred ;"

Form of certificate.

Which assessment roll, certified as aforesaid, shall be delivered to the supervisor of the proper township, whose duty it shall be to file and keep the same in his office.

Filing of same.

¹ As amended by Act 148 of the Laws of 1871, p. 282, approved April 15, 1871.

appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Treasurer shall receive tax on part of lot, etc., or on undivided share, etc.

(1017.) SEC. 51. Such township treasurer shall receive the tax, or any one of the several taxes, on any lot or parcel of land, or part thereof, or on any undivided share or other interest therein, which the tax-payer will clearly define, and if the remaining tax on such lot or parcel of land shall not be paid, the township treasurer shall enter a specification thereof in his return to the county treasurer; but if the part on which the tax is so paid shall be an undivided share, the person paying the same shall state to the treasurer the name of the owner of such share, that it may be excepted in case of the sale for the tax on the remainder, for which purpose the treasurer shall enter the name of such owner in his account of arrears of taxes.

When money shall be paid to county treasurer

(1018.) SEC. 52. The township treasurer shall retain in his hands the amount specified in his warrant to be paid into the township treasury, for the purposes therein specified, and shall, within one week after the time specified in his warrant for paying the money directed to be paid to the county treasurer, pay to such county treasurer the sum required in his warrant, either in delinquent taxes or in funds then receivable by law.

Return of taxes not collected.

(1019.) SEC. 53. If any of the taxes mentioned in the tax list annexed to his warrant shall remain unpaid, and the township treasurer shall be unable to collect the same from the owner or occupant of the premises assessed, he shall make out a statement of the taxes so remaining unpaid and due, with a full and perfect description of such premises, from his tax roll, and submit the same to the county treasurer.

Return to be compared with tax-roll, etc.

(1020.) SEC. 54. The county treasurer shall immediately compare such statement with the tax roll in the hands of such township treasurer, and if he finds it to be a true transcript from the same, he shall add to it a certificate showing that he has examined and compared such statement with the tax roll in the hands of such township treasurer and found it correct, and shall file such statement so certified in his office: *Provided*, That the county treasurer shall, at the time of making such comparison, and at no other time, reject and charge back to the proper township any lands which shall have been twice assessed, or any parcel which shall be so erroneously or defectively described that it cannot be ascertained.

Proviso.

When town treasurer to be credited with uncollected tax.

(1021.) SEC. 55. Upon making an affidavit to be annexed to such statement before the county treasurer or his deputy duly

appointed, or before any officer authorized to administer oaths, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such sums, whereupon he could levy the same, the township treasurer shall be credited by the county treasurer with the amount thereof, and for making the return aforesaid he shall be entitled to receive one dollar and fifty cents, and six cents per mile traveling fee one way, to be allowed and paid to him by the county treasurer, together with two per cent on all taxes returned as delinquent; but no such treasurer shall be allowed more than ten dollars, including said two per cent, for making his return. The township treasurer shall also make out, under oath, a statement of all moneys collected by him on account of taxes, and deliver such statement to the county treasurer, who shall file and preserve the same in his office.

Fee and mileage
of all moneys
collected, to be
filed with county
treasurer.

Sworn statement
of all moneys
collected, to be
filed with county
treasurer.

Receipt by county,
to town treasurer.

(1022.) SEC. 56. The county treasurer shall give to the township treasurer a receipt, stating the amount of taxes returned by such township treasurer unpaid, and for which the township shall receive a credit on the books of the county treasurer, and shall also give such township treasurer a statement of all taxes rejected by such county treasurer out of such list, which receipt and statement shall be the vouchers of such township treasurer for the amounts therein specified.

When county
treasurer to in-
dorse as paid,
the bond of town
treasurer.

When bond still
to continue in
force.

Tax roll and
warrant deposit-
ed with county
treasurer.

(1023.) SEC. 57. Upon the settlement of the amount of taxes directed to be collected by the township treasurer and paid to the county treasurer, such county treasurer shall indorse the bond of the township treasurer as paid up, which indorsement shall operate as a full discharge of the treasurer and his sureties from the obligation thereof, unless it shall afterwards appear that the return of such treasurer is false, in which case such bond shall continue in force, and such treasurer and his sureties shall be liable thereon for all damages occasioned by such false returns; and the township treasurer shall immediately deposit his tax roll and warrant with the county treasurer, who shall file and preserve the same in his office, and which said roll, or a duly certified copy thereof, shall, for all purposes, in all courts, suits, and proceedings, be taken, held, and used as evidence, in the same manner and with like effect as the original roll.

When town
board may ap-
point a treasurer
etc.

(1024.) SEC. 58. In case the treasurer of any township shall refuse to serve, or shall die, resign, or remove out of the township before he shall have entered upon or completed the duties of his office,

or be disabled from completing the same from any cause, the township board shall forthwith appoint a treasurer for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation, as the treasurer in whose place he was appointed; and the township clerk shall immediately give notice of such appointment to the county treasurer; but such appointment shall not exonerate the former treasurer or his sureties from any liability incurred by him or them.

Notice of ap^t
pointment to be
given.

Money retained
by town treas-
urer; in what
order to be paid
out.

(1025.) SEC. 59. In case the township treasurer shall not collect the full amount of taxes required by his warrant to be paid into the township treasury, such portion thereof as he shall collect shall be retained by him and paid out for the following purposes and in the following order, viz:

First. The amount raised for the general township purposes, to be paid on the order of the township board;

Second. The amount raised for school purposes, to be paid on the order of the school district officers;

Third. The amount of the highway taxes, to be paid on the order of the commissioners of highways.

Collecting offi-
cers' fees.

(1026.) SEC. 60. In case of a distress and sale of goods and chattels for the payment of any tax, the township treasurer or other collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax, as his fees for making such sale, which fees and percentage hereinbefore provided shall be in full for his services in collecting such taxes. And in case payment of such tax shall be made after the distress and before the sale, it shall be lawful for such township treasurer or collecting officer to require the payment of one dollar and twenty-five cents as his fee for making such distress, and to enforce payment of the same, if need be, by making the sale, notwithstanding the tax shall have been paid.¹

May sell for fees

When supervis-
or to deliver up
roll and warrant
to sheriff.

(1027.) SEC. 61. In case the township treasurer shall neglect or refuse to file his bond with the county treasurer, in the manner and within the time prescribed by law, and the township board shall fail to appoint a treasurer who shall give such bond and deliver a receipt for the same to the supervisor by the tenth day of November, the supervisor shall deliver the tax roll and warrant to the sheriff of the county, to be executed by himself or his deputy, who shall execute and deliver the bonds required of the township treasurers, and make like collections and returns, and shall be entitled to the same compensation allowed to the township treas-

Powers and
duties of sheriff
thereon.

¹ As amended by Act 88 of the Laws of 1871, p. 111, approved April 8, 1871.

urers on all taxes so handed over to him for collection, and, for the purpose of collecting the same, shall be vested with all the powers conferred upon the township treasurer.

(1028.) SEC. 62. The township treasurer or other collecting officer, on receipt of any tax, shall give a receipt for the same, and shall note on his tax roll the payment thereof, and if any such treasurer or other collecting officer shall willfully return to the county treasurer as unpaid any taxes which have been paid to him, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both, in the discretion of the court, and be liable, together with the surety in his bond, to any person injured by such false return, to the full amount of any loss sustained thereby.

Receipt by collecting officer on payment of tax.

Punishment for willfully returning as unpaid, taxes which have been paid.

(1029.) SEC. 63. If any township treasurer, ward collector, or other collecting officer shall neglect or refuse to pay to the county treasurer the sums required by his warrant, or to account for the same as unpaid, as required by law, the county treasurer shall, within ten days after the time when such payment ought to have been made, issue a warrant under his hand, directed to the sheriff of the county, commanding him to levy such sum as shall remain unpaid and unaccounted for, together with his fees for collecting the same, of the goods and chattels, lands and tenements of such township treasurer, ward collector, or other collecting officer, and their sureties, and to pay the said sums to such county treasurer and return such warrant within forty days from the date thereof.

When county treasurer to issue warrant levying upon goods, etc., of town treasurer and sureties.

(1030.) SEC. 64. The county treasurer shall forthwith deliver such warrant to the sheriff of his county, who shall immediately cause the same to be executed, and shall make return thereof to the county treasurer within the time specified for the return thereof, and pay to such treasurer the amount collected on such warrant, and such sheriff shall be entitled to collect and receive the same fees as are allowed by law to sheriffs on executions.

Duty of sheriff to execute and make return of such warrant.

(1031.) SEC. 65. If any sheriff shall neglect to return any such warrant, or to pay the money collected thereon, within the time limited for the return of such warrant, or shall make a false return thereto, the county treasurer shall proceed by attachment, in any court of competent jurisdiction, against such sheriff, to collect the whole sum directed to be levied by such warrant, in the same manner, and with like effect, as for neglecting to return an execution in a civil suit, and the proceedings thereon shall be the same in all respects.

Proceedings against sheriff for neglect or false return.

Proceedings
against sheriff
for neglect or
false return.

(1032.) SEC. 66. In case the county treasurer shall fail to collect such moneys by attachment, he shall forthwith cause a prosecution to be had against the sheriff and his sureties for the sum due on such warrant, which sum, when collected, shall be paid to the county treasurer.

County treas-
urer to enter re-
turn of lands
delinquent for
taxes and make
transcript, etc.

(1033.) SEC. 67. When any county treasurer shall receive from a township treasurer a statement of unpaid taxes on the lands of residents or non-residents, verified according to law, such county treasurer shall enter the same at length on the books in his office provided for the purpose, and he shall make a correct transcript thereof of all the descriptions of land returned as delinquent for unpaid taxes, except such as may have been rejected by said county treasurer, which transcript shall be compared by the county clerk with the statement of the township treasurer, as certified by the county treasurer, and, if he finds it to be a true transcript thereof, he shall add to it a certificate that he has examined and compared the same with the certified statement of the township treasurer, and found it correct.

County clerk to
compare same.

Transcript, to be
forwarded to
Auditor General

(1034.) SEC. 68. Such transcript, so made out, compared, and certified, shall be forwarded by the county treasurer to the Auditor General, by the first day of March next after the return of such statement; but such transcript shall be receivable at any time during said month of March, and, when received by the Auditor General the amount thereof shall be placed to the credit of the proper county, on the books in his office.

When receivable
and how credit-
ed.

Resident real
estate; proceed-
ings on return of

(1035.) SEC. 69. If the taxes on any real estate, assessed to a resident or owner thereof, shall be returned unpaid, the same proceedings shall be had thereon, in all respects, as in cases of lands assessed as non-resident, and with like effect.

Payment of
taxes after re-
turn.

(1036.) SEC. 70. Any person may pay the taxes, or any one of the several taxes, on any parcel of lands returned as aforesaid, or on any undivided share thereof, with interest calculated thereon from the first day of February next after the same were assessed, at the rate of fifteen per cent per annum, and the office charges, and four per cent as a collection fee, to the treasurer of the county in which the lands are situated, at any time before they are sold for taxes, or to the State Treasurer on the certificate of the Auditor General, at any time before the twentieth day of September next preceding the time appointed for such sale: *Provided*, That on all taxes remaining unpaid on the first day of June next after the same were assessed, interest shall be computed at the rate of thirty per cent per annum from said first day of February.

Provided.

(1037.) SEC. 71. The county treasurer and Auditor General shall add for office charges upon each certificate containing one description, thirty cents; and for each additional description in the same certificate, five cents; and the amount received by the county treasurers for charges shall go into the county treasuries, of which they shall keep an accurate account; and the amount received at the State Treasurer's office shall go into the State Treasury, to the credit of the general fund.

Office charges,
how disposed of

(1038.) SEC. 72. The county treasurers shall issue duplicate receipts for all taxes received by them, which shall not operate as a discharge of the taxes until countersigned by the county clerk, and one of said duplicates shall be left with such clerk; but no additional charge shall be made for issuing duplicate receipts.

Duplicate re-
ceipts by county
treasurer.

(1039.) SEC. 73. The duplicates of such receipts shall be filed by the county clerk, who shall make an entry of the amount for which every such receipt was given, with the name of the person paying such tax, in a book to be provided by him for that purpose, at the expense of the county, and shall, on the first Monday of each month, forward all the receipts on file in his office to the Auditor General in such manner as he may direct.

Entry to be
made of same by
county clerk and
forwarded to
Auditor General

(1040.) SEC. 74. Every county treasurer who shall have received into the treasury of his county sufficient to make up the amount of taxes assessed for township and county purposes, shall make returns, at least once in three months, to the Auditor General, and shall pay to the State Treasurer, at such times and in such manner as he shall direct, the amount received by him for delinquent taxes payable to such State Treasurer.

County treas-
urer's return to
Auditor and
payments to
State Treasurer.

(1041.) SEC. 75. Whenever the taxes on any land returned to the office of the Auditor General for non-payment shall have been paid by the owner of such lands, his agent or attorney, in cases where such land was not subject to taxation at the date of the assessment of such taxes, the Auditor General, on discovering the same, shall, on application of the person entitled thereto, refund the taxes so paid, with interest at seven per cent: *Provided*, Such application shall be made within four years from the time this act takes effect, and, in case of taxes hereafter paid, within four years after such payment.

When taxes to
be refunded with
interest.

Proviso.

(1042.) SEC. 76. Immediately after the returns of the several township treasurers to the county treasurers, in all cases where the amount collected shall exceed the amount raised for county and township purposes, the county treasurer shall forthwith pay into the State treasury the excess collected as aforesaid, for which

When excess to
be paid into
State Treasury.

amount the said counties shall be credited by the Auditor General, on account of the State tax, for the proper year.

THE SALE OF LANDS FOR TAXES, AND THE CON-
VEYANCE AND REDEMPTION THEREOF.

Providing for
sale and re-
demption of
lands.

(1043.) SEC. 77. All lands returned to the Auditor General, as provided by law, upon which the taxes, interest, and charges shall not be paid, or be charged back to the proper county, shall be subject to sale and redemption as hereinafter provided, and shall be sold in the same county from which they were returned, or in which the lands were situated at the time such taxes were assessed.

Auditor General
to make state-
ments of lands,
specifying, etc.

(1044.) SEC. 78. On the first day of July of each year, the Auditor General shall make out a separate statement of all such lands as the taxes shall remain due upon, in each of the respective counties, specifying the amount of taxes due on each parcel, the interest thereon computed, as is provided in section seventy of this act, to the first day of October thereafter, together with the costs of advertising, postages, expense of sale and returns thereof, and conveyances, which shall be charged at one dollar and fifty cents upon each parcel of land contained in such list; and accompanying or preceding such statements the Auditor General shall cause to be published, as hereinafter shall be provided, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause, not affecting the legality of the assessment or requiring a rejection of the taxes thereon, and on which the taxes, interest, and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up; also, a notice of sale, by the county treasurer, of State tax lands; and deeds given by the Auditor General to purchasers at such sales, or their assigns, shall take effect according to the year's tax for which the deed may be given, the deed for the latest year's tax taking precedence; and the interest on such re-advertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Publication of
statement in
county where
lands are situ-
ated.

(1045.) SEC. 79. The Auditor General shall cause each of such statements to be published in the county in which the lands therein described are situated, for eight weeks successively, next previous to the first Monday of October in each year (which shall be construed to mean eight publications, once a week), in one newspaper printed and published in such county, if there be one which shall

have been established therein two months prior to the first day of July; and, in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein, for the period aforesaid; but, if there is no such newspaper printed or published in the same or any adjoining county, such statement shall be printed and published in some other newspaper to be designated by the Auditor General.

(1046.) SEC. 80. The newspapers in which such statements are to be published shall be designated by the Auditor General, on or before the first day of July in each and every year, and not afterwards, unless the proprietor of any paper so designated shall fail to accept such designation before the fifteenth day of the said month of July, or shall neglect or refuse to print and publish such statement, or unless from some other cause it shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose, before the time limited for commencing the publication.

Papers to be designated by Auditor General.

(1047.) SEC. 81. The proprietor of any paper accepting such designation shall transmit to each of the county treasurers one copy of each of the first two numbers of his paper containing such statement, and to the Auditor General one copy thereof during the whole time of such publication. For printing and publishing such statement and furnishing copies of his paper as herein required, and publishing the notices required by the sections seventy-eight, eighty-two, and one hundred and twenty of this act, he shall receive not to exceed forty cents for each description of land so advertised; and no printer shall be paid for publishing any such statement who shall not forward to the Auditor General, within thirty days after the last publication thereof, an affidavit, made by some person to whom the facts are known, stating such publications, and also that he has transmitted to each county treasurer, by mail, copies of the two first numbers of his papers containing such statement immediately after their publication.

Proprietor of paper to furnish county treasurer and Auditor with copy.

Payment for printing, etc.

(1048.) SEC. 82. The Auditor General shall annex to and cause to be published with each of said statements, a notice that so much of each tract or parcel of land described in said statement as will be necessary for that purpose will be sold by the county treasurer, on the first Monday of October next thereafter, at such public and convenient place at the seat of justice of the county as the county treasurer may select, for the payment of the taxes, interest, and charges thereon.

Notice of sale to be published with statement.

When Auditor
to furnish lists
of lands to be
withheld from
sale.

(1049.) SEC. 83. As soon after the first Monday of September as shall be practicable, the Auditor General shall prepare and transmit to the several county treasurers, lists of all lands described in the respective statements on which the taxes, interest, and charges shall have been paid, which lands, together with all the lands whereon the taxes, interest, and charges shall have been paid to the county treasurer before the sale, shall be struck from the statement of lands advertised to be sold by the respective county treasurers, and shall be withheld from sale.

Sale; how made.

(1050.) SEC. 84. On the day designated in the notice of sale, the several county treasurers, under the direction of the Auditor General, shall commence the sale of those lands on which the taxes shall not have been paid as aforesaid, and shall continue the same from day to day (Sundays excepted), until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, interest, and charges thereon: *Provided*, That every description of land embraced in said notice, which has been bid off to the State at a previous sale, and which remains unredeemed or otherwise disposed of, shall be bid off to the State by said county treasurers; and any sale made in contravention of this proviso shall be absolutely void and of no effect.

When less than
whole of parcel
is sold.

(1051.) SEC. 85. In case less than the whole of any parcel described in the statements aforesaid shall be sold for the taxes, interest, and charges thereon, the portion thereof sold shall be taken from the north side or north end of such parcel, and shall be bounded on the south by a line running parallel with the northerly line thereof, unless the same be an irregular fraction; in which case the portion thereof so sold shall be bounded on the south by a line running due east and west.

Payment of bids;
when to be
made, etc.

(1052.) SEC. 86. The county treasurers may, in their discretion, require immediate payment of any person to whom any parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours he may declare the bid canceled, and at his discretion sell the land again; and any person, to whom any parcel of land shall be so struck off, neglecting for twenty-four hours after the close of such sale to pay to the county treasurer the amount of such bid, shall forfeit to the State five times the amount of such bid, which amount may be recovered, in the name of the people of the State of Michigan, in an action of debt, in any court of competent jurisdiction.

When land shall
be bid off for
State.

(1053.) SEC. 87. If any parcel of land cannot be sold to any person for the taxes, interest, and charges, such parcel shall be passed

over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same for the State: *Provided*, That from and after the passage of this act, if the treasurer of any county shall, for any reason, fail to offer the lands lying therein and advertised as for sale for delinquent taxes thereon, then so many of the lands so advertised as shall not be so offered for sale shall be considered and treated as if bid off for the State by the county treasurer, and shall be subject to redemption and sale in the same manner and within the same time as may be provided by law in the case of lands actually bid off for the State, as is provided in the first clause of this section.¹

(1054.) SEC. 88. All lands bid off for the State, as provided in the last preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the State, and such taxes shall be a charge upon such lands. Lands so bid off liable to be taxed.

(1055.) SEC. 89. The several county treasurers shall receive, on such sales, such funds only as shall at the time be receivable by law at the State Treasury; and all moneys received at such sales shall be paid into the State Treasury on or before the fifteenth day of November next after the time of such sale, and the expenses of advertising and sale shall be paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund as received. Funds receivable at sales, and how disposed of.

(1056.) SEC. 90. At the sale aforesaid, the respective county treasurers shall give to the purchasers, on the payment of their bids, a certificate in writing, describing the lands purchased and the amount paid therefor, and such certificate shall be regularly numbered, and a copy of each forwarded by the county treasurers to the Auditor General in such manner as he shall direct. Certificate of sale.

(1057.) SEC. 91. On presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for the redemption of land sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless the sale thereof shall have been redeemed or annulled as by law provided, which deed shall be *prima facie* evidence of the regularity of all the proceedings from the valuation of the lands by the assessors to the date of the deed inclusive, and of title in fee in the purchaser; and every such deed shall be witnessed and acknowl- Deed to purchaser.

¹ Vide note to section 26.

edged in the manner prescribed by law for witnessing and acknowledging deeds in other cases.

Proceedings
when certificate
of sale is lost.

(1058.) SEC. 92. In case of the loss of such certificate of sale, the purchaser or his legal representative or assignee may file his affidavit of such loss, and that he was at the time of such loss the *bona fide* and legal holder thereof; and the Auditor General shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered; and if the same shall have been redeemed, on the presentation of such affidavit the money shall be paid to such person in the same manner as though the certificate of sale had been surrendered. Any

Penalty for false
affidavit, etc.

person who shall make an affidavit, as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit with intent to defraud, upon conviction thereof before a court having jurisdiction of the offense.

Redemption of
lands.

(1059.) SEC. 93. Any person owning any of the lands sold as aforesaid, or any interest therein, may, on or at any time previous to the thirtieth day of September next succeeding such sale, redeem any parcel of said lands, or any part or interest in said lands, by showing to the satisfaction of the Auditor General or county treasurer that he owns only that part or interest in the same which he proposes to redeem, and by paying, at his option, into the State Treasury or to the treasurer of the county where such land is situated, the amount for which such parcel was sold, or such portion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of fifty per cent per annum; of which interest twenty-five per cent shall be paid by the State Treasurer to the purchaser, and twenty-five per cent shall belong to the State and be passed to the credit of the general fund.

Interest; how
computed.

(1060.) SEC. 94. When any land shall be redeemed as provided in the preceding section, the interest shall in all cases be computed from the day of sale up to the end of the current quarter of the year limited for such redemption.

Certificates of
redemption, to
be issued in du-
plicate, etc.

(1061.) SEC. 95. Upon the payment of the redemption money and interest to the county treasurer as aforesaid, he shall issue duplicate certificates of redemption in the usual form, both of which certificates shall be countersigned by the county clerk, who shall make an entry of the number of each certificate, the amount for which it was given, and the name of the person paying the

same; one of which certificates shall be delivered to the person making the payment, and the other shall be transmitted by the county clerk to the Auditor General, on the first Monday in each month, in the same manner as is now required for the transmission of duplicate receipts.

(1062.) SEC. 96. The total amount of such redemption certificate shall be charged by the Auditor General to the county returning the same, if the amount shall be found by the books of his office to be due such county; and, if not thus due, then the said amount shall be deposited in the State Treasury by the county treasurer, at such times as the Auditor General shall require; and, if the said county treasurer shall refuse or neglect, for thirty days after such requirement, to pay over or deposit the amount as aforesaid, he shall be subject to a prosecution by the Auditor General, under the provisions of the thirty-sixth section, chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, and upon conviction shall be punished as therein mentioned.

When Auditor to charge county with amount of certificate, etc.

(1063.) SEC. 97. Every county treasurer shall, on or before the first day of June next succeeding his election, execute to the Auditor General a bond, in such sum as the said Auditor shall direct, with three or more sureties, to be approved of by the prosecuting attorney, probate judge, or circuit court commissioner of the proper county, and the said Auditor, conditioned that such treasurer, his deputy, and all persons employed in his office shall render a just and true account of all moneys received by him or them for sales of lands at the annual tax sales, and for redemption thereof, and all other moneys which may otherwise come into his or their hands, belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid, whenever required so to do by the Auditor General, which bond shall be filed in the office of said Auditor.

Bond of county treasurer to Auditor General.

(1064.) SEC. 98. In case the said county treasurer shall refuse or neglect to execute and file such bond at the time and in the manner aforesaid, the Auditor General shall employ, in behalf of the State, some other person to conduct the annual sales of lands delinquent for taxes, and to receive payment therefor, under his direction, any law to the contrary notwithstanding, upon such person executing and filing with the said Auditor a similar bond, with sureties as above mentioned, to be by him approved, conditioned for the faithful and prompt payment to the State Treasurer of all moneys which may come into his hands, as the proceeds of

When Auditor General may employ some person other than county treasurer to conduct sales, etc.

such sale or otherwise, belonging to the State, whenever required so to do by the Auditor General, as aforesaid; and a reasonable compensation for the services of such person shall be allowed and paid out of said proceeds.

Proceedings in
case of irregu-
larity.

(1065.) SEC. 99. If the Auditor General shall discover, before the sale of any lands, as aforesaid, that for any reason they should not be sold, he shall cause the same to be withheld from sale; and, if the error through which said lands were offered for sale originated with the township or county officers, the amount for which they were so offered shall be charged against the county from which the tax was returned, and the supervisors of such county shall cause the same to be refunded to the State Treasury.

Ibid.

(1066.) SEC. 100. Whenever any lands returned to the office of the Auditor General shall have been sold on account of non-payment of taxes thereon, if the Auditor General shall discover, before a conveyance of said land is executed and delivered—

First. That the land so sold was not subject to taxation at the date of the assessment of the taxes for which it was sold; or,

Second. That the taxes had been paid to the proper officer within the time limited by law for the payment of [or] redemption thereof; or,

Third. That such sale was in contravention of section eighty-four of this act; or,

Fourth. That a certificate that no taxes were charged against said land has been given by the proper officer, within the time limited by law for the payment or redemption thereof, he shall withhold a conveyance of such lands, and shall, on demand, cause the money paid therefor to be refunded to the purchaser, with interest thereon at seven per cent: *Provided*, That in the last-mentioned case the person in whose behalf such certificate was given shall, at the time of presenting such certificate to the Auditor General, pay to the State Treasurer, on the statement of the Auditor General, all taxes and charges due to the State upon such land at the time such certificate was issued.

Proviso.

Persons inter-
ested in lands
so sold may
take proof be-
fore circuit
court commis-
sioner.

(1067.) SEC. 101. Any person having an interest in any lands sold as aforesaid for delinquent taxes, whether in his own right or in trust, or as executor, administrator, guardian, or trustee, may, at any time within two years from the date of the purchase, and in cases of sales at any time heretofore made by the county treasurer as aforesaid, within one year from the time this act shall take effect, and not after those periods, as hereinafter provided, make an affidavit, and file the same with the circuit court commissioner of

the county in which the land is situated, setting forth that the taxes have been paid to the proper officer, or that he has good reason to believe and does believe that there are irregularities in the assessment and subsequent proceedings affecting the rights of the owner of said land, which prevented the payment of the taxes or the redemption thereof, and especially setting forth such and all such objections and alleged errors on which he relies. He may take the depositions of such witnesses before said circuit court commissioner, touching the facts required to be set forth in the affidavit on file, in the same manner and form prescribed by law and the rules of court for taking depositions to be used in the circuit court in chancery; but not less than twenty days' notice shall be given, and at the same time a copy of the affidavit on file, to all persons having an interest in the title purchased from the State as aforesaid, of the time and place of taking such deposition, at which time and place the holder of the tax title may [take] the depositions of such witnesses as he may deem necessary, either for the purpose of impeaching the witnesses of the other party, or otherwise sustaining his said title, or in any wise affecting the issue. The commissioner shall have power to administer oaths to all such witnesses, whose depositions either party may desire, and may issue subpoenas for witnesses, and may continue the time of taking the testimony as justice may require; and said depositions, when so taken, together with the affidavit and all other papers on file, shall within ten days after the closing of the taking of the same be delivered by the commissioner to the clerk of the circuit court of that county, together with such objections to the testimony as may be taken by either party; and the court shall thereupon, at the next or some subsequent term, proceed to examine the testimony, and if the court shall be satisfied that any of the [reasons] required to be, and so set forth in the affidavit on file, claiming to affect the rights of such party in interest, prevented the payment of the taxes, or that the taxes have been paid to the proper officer within the time prescribed by law for the payment or redemption thereof, said court shall render judgment accordingly, annulling said title or otherwise affirming it, as the case may be, which judgment shall be recorded as other judgments in said court, subject to be reviewed on writ of *certiorari* by the Supreme Court at any time within two years: *Provided*, That if either party shall so direct, he shall have, as in other cases, a trial of the matters of fact before said circuit court by a jury: *And provided further*, That the party may present such affidavit at any time within five years from the date of the purchase:

Notice to persons interested in title from State.

Power of commissioner, etc.

Court to examine testimony and render judgment.

Provided.

Ibid.

First. When the land sold as aforesaid was not subject to taxation at the date of the assessment of the taxes for which it was sold ;

Second. When the taxes upon the land sold as aforesaid have been paid to the proper officer, within the time limited by law for the payment or redemption thereof, and the party holds said officer's receipt therefor.

Clerk of court to make copy of judgment on application.

(1068.) SEC. 102. Whenever any judge of the circuit court shall have annulled, for any of the reasons enumerated in the preceding section, the title to any description of land conveyed in any deed executed by the Auditor General as aforesaid, or any part thereof, the clerk of the circuit court of the county in which the land is situated shall, on application of either party, and the payment of fifty cents, make and deliver to such party a certified copy of such judgment. And whenever such copy of judgment shall be presented to the register of deeds of said county, where said deed shall have been recorded, the register shall record the same, and make a short written memorandum on the margin or face of the deed, of the description of the land, and that the title has been annulled or affirmed, as the case may be, and the date of the judgment, and of the recording thereof.

Register of deeds to record same on presentation.

When purchase money, etc., to be refunded to holder of annulled title.

(1069.) SEC. 103. In all cases where lands sold for taxes have been conveyed by deed, and the title has been annulled pursuant to law, for any causes enumerated in section one hundred and sixty-four of this act, the Auditor General shall, on presentation of a copy of the judgment annulling the same, refund to the holder of said title the purchase money and interest thereon, as the law requires, and certify the fact to the proper county treasurer.

Such money to be refunded the State by the county, etc.

(1070.) SEC. 104. Such money, when paid by the State Treasurer, shall be refunded to the State Treasury by the proper county, and, in any action of ejectment brought by the owner to recover such lands, the State shall not be liable to costs.

STATEMENT OF ACCOUNTS AND SETTLEMENT THEREOF WITH THE COUNTIES.

When Auditor General to state account of county treasurers.

(1071.) SEC. 105. The Auditor General shall state the account of the several county treasurers, on the first day of July in each year, allowing to the several counties ten per cent interest on such portion of the taxes unpaid on the first day of February in the same year, as shall belong to them, for township and county purposes, and shall transmit a copy thereof by mail, or otherwise, to

the county clerk, who shall lay the same before the board of supervisors at their first meeting after the receipt of the same.

(1072.) SEC. 106. When the return of the sale of land delinquent for taxes assessed thereon is received by the Auditor General from the treasurer of any county, the Auditor General shall make and deliver to the county treasurer making such return a transcript of the account between said county and the State, as it appears upon the books in the Auditor General's office, deducting from the amounts of the credits thereof the amount of bids to the State as appears from such county treasurer's return of tax sales; and the balance, as is shown after deducting such bids to the State, shall be paid to or by the county, as by such transcript is shown should be done. This section shall be so construed as to provide for such a settlement of accounts between the State and the several counties as shall require the counties to carry the uncollected taxes until the period of redemption expires, after which time the State shall carry such taxes.¹

Auditor General to make copy of account with counties, and send to treasurer

Counties to carry uncollected taxes until redemption expires.

(1073.) SEC. 107. For performing the duties pertaining to the sale of lands for non-payment of taxes, each county treasurer shall be entitled to the following fees:

Fees of county treasurers for duties at sales.

For each transcript of lists of lands advertised to be offered for sale by the county treasurer, made by him or his employes, two cents for each description of land correctly transcribed;

For making entry in sales book, showing the disposition of the land therein described, two cents for [each] entry correctly made;

For making certificates of sale, two cents for each description of land sold to individuals and correctly certified;

Which fees shall be in full for all services rendered by the county treasurer in connection with the annual sale of lands for the non-payment of taxes: *Provided*, That in addition to the above fees each county treasurer shall be paid the actual necessary expenses incurred in making to the Auditor General the return of such sale as required by law: *And provided further*, That if any county treasurer shall fail to make his return of tax sales to the Auditor General, in the manner and within the time required by law, he shall not be entitled to any part of the pay provided in this section.

To be in full for all services.

Provido.

Ibid.

(1074.) SEC. 108. Whenever it shall come to the knowledge of the Auditor General that any tax returned to his office has been paid to the township or county treasurers, or that there was a double assessment upon any lands, or that any parcel was so

Proceedings when Auditor ascertains that a tax returned has been paid.

¹As amended by Act 163 of the Laws of 1871, p. 247, approved April 18, 1871.

erroneously or defectively described that it cannot be sold, or that any parcel was not subject to taxation at the time said taxes were assessed, he shall forward to the treasurer of the county in which such lands shall then be situated, or to which they may be attached, a description of such lands, together with a statement of the amount of taxes, interest, and charges thereon, and specifying for what year or years such taxes were originally assessed.

Auditor to
charge rejected
taxes to county.

(1075.) SEC. 109. The Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office shall be rejected for any cause, or having been credited shall be charged back on the books of his office, to charge the same over to the county from which such taxes were returned, unless the lands upon which the same were assessed shall have been set off to some other county, or attached to some other county for judicial purposes; and in case such lands shall have been so set off or attached, they shall be charged to the county to which they belong at the time of such rejection.

County treasurer
to lay statement
before board of
supervisors.

(1076.) SEC. 110. The county treasurer receiving such certificate of the Auditor General, shall lay the same before the board of supervisors at their next session thereafter, and if such taxes shall have been rejected or charged back by the Auditor General, except for the reason that such land was not subject to taxation at the time of the assessment for such taxes, or that the taxes thereon had been once paid, or that there had been a double assessment thereof, the board of supervisors shall cause the same to be re-assessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

Re-assessment
of rejected taxes

(1077.) SEC. 111. If such taxes cannot be properly re-assessed upon the same lands, the board of supervisors shall cause the same or any part thereof to be re-assessed upon the taxable property of the proper township, as may appear equitable.

When board to
furnish Auditor
list of taxes
charged to county.

(1078.) SEC. 112. It shall be the duty of the board of supervisors to furnish to the Auditor General a list of all taxes which shall have been rejected or charged back to their county by him, upon lands which shall have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be then situated: *Provided*, Such taxes shall not have been previously paid or re-assessed.

Provide.

Proceedings
when tax ex-
ceeds limit fixed
by law.

(1079.) SEC. 113. Whenever the Auditor General shall have rejected any State, county, or township tax, for the reason that the

amount assessed for any such purpose exceeds the limitation established by law, the county treasurer of the county in which the lands so assessed shall be situated shall make out and present to the board of supervisors thereof, at their next session, a list of the lands, with the taxes assessed and the interest accrued thereon.

(1080.) SEC. 114. The board of supervisors shall cause so much ^{Ibid.} of said taxes as shall remain unpaid, and as shall not exceed the limit fixed by law, for the year in which they were originally assessed, to be re-assessed upon the same lands, if they can legally do so, and collected with and in the same manner as the taxes for the year in which the same shall be re-assessed as aforesaid.

(1081.) SEC. 115. If any such taxes cannot be properly re-as- ^{Ibid.} sessed upon the same lands, the board of supervisors shall cause the same, or any part thereof, under the limitation aforesaid, to be assessed upon the taxable property of the proper township, as may appear equitable.

(1082.) SEC. 116. If at any time it shall be discovered that the ^{Liability of collector, etc.} treasurer of any township has received the tax assessed upon property which he has returned delinquent, the supervisor shall have power, and he is hereby required, to collect the same, in the name of his township, from such treasurer or his sureties, together with interest and charges.

LANDS BID OFF TO THE STATE FOR TAXES—THEIR REDEMPTION AND SALE.

(1083.) SEC. 117. All lands heretofore bid off or that may here- ^{Lands bid off to State to be offered at October sales.} after be bid off to the State for taxes, which have not been redeemed or otherwise discharged, shall be offered for sale at the annual tax sales in October in each year.

(1084.) SEC. 118. The Auditor General shall furnish to each of ^{Auditor's statement to county treasurers.} the county treasurers, in the month of September in each and every year, a full and accurate statement of all the lands in his county that may have been bid in for the State, remaining unredeemed or not otherwise discharged.

(1085.) SEC. 119. Such statement shall exhibit the aggregate ^{Contents of.} amount of all sums due to the State on each description of land, including interest thereon at the rate of fifty (50) per cent per annum, from the time the lands were bid in by the State to the first day of October in the year in which they shall be first offered as State tax lands, as contemplated in the preceding section: *Pro-* ^{Proviso.} *vided*, That on all State tax lands which have or should have been once previously offered at public sales, and which, remaining

unsold, are again to be offered as above, there shall be charged upon the amount for which each description thereof has or should have been so offered, interest at the rate of ten per cent per annum, from the time when they were so, or should have been so, first offered, to the said first day of October.

Notice of sale.

(1086.) SEC. 120. The Auditor General shall cause to be published for eight weeks successively (which shall be construed to mean eight publications, once a week) next previous to the first Monday of October in each year, a notice that the lands described in such statement will be sold at public auction by the treasurer of the county in which such lands are situated, at the time and place designated for the ordinary tax sales, under the direction of the Auditor General.

Time and manner of sale.

(1087.) SEC. 121. At the time designated in the notice, and immediately previous to the sale of other lands advertised to be sold for taxes at the same time, such county treasurer shall commence the sale at the place designated, and continue the same from day to day, if necessary (Sundays excepted), until he has offered all the lands embraced in his list which have not been redeemed or otherwise discharged. And any person to whom any parcel of land shall be struck off by the county treasurer, who shall neglect or refuse to pay the amount bid by him on any parcel of land offered as above, for twenty-four hours after the list shall have been gone through, shall be subject to the penalty imposed by section eighty-six of this act.

Duty of county treasurer when a description shall be offered in list of delinquent lands.

(1088.) SEC. 122. In all cases when a description of land is offered as State tax land, and the same description or any part thereof shall be offered in the regular list of lands delinquent for taxes, as provided in section eighty-four of this act, it shall be the duty of the county treasurer to inform the person bidding for the description offered as State tax land of the fact, and such person shall be required to purchase the description so offered in the regular list at the same time the description offered as State tax land is bid off by him, and in case of his neglect or refusal so to do, the treasurer shall decline the bid of the person so refusing, but shall continue to offer such description as if no bid had [been] made thereon.

Certificates of sale; issue of by county treasurer etc.

(1089.) SEC. 123. The county treasurer shall, on payment of the purchase money at such sale, issue certificate[s] of sale to the purchasers in such form and make such returns to the Auditor General as shall be prescribed by him, and shall also transmit the

moneys received on such sale to the State Treasurer, in such manner as is provided in section eighty-nine of this act.

(1090.) SEC. 124. In addition to the lists required by sections seventy-eight and one hundred and eighteen of this act, the Auditor General shall also furnish annually, in the month of September, to each county treasurer a list of all State tax lands remaining unsold for five or more years from the time such lands were bid off to the State, which land shall at the next annual tax sale be offered for sale to the highest bidder, without reference to the minimum as established by law, or the cost to the State of each parcel in taxes, interest, and charges; and all money received at such sale in excess of the amount charged against any parcel of land so offered shall be placed to the credit of the county in which such parcel of land may be situated; and if any parcel of the land so offered shall be sold for less than the amount for which it was bid off to the State then the proper county shall be charged with the difference between the sum for which such parcel was so sold and the amount for which it was originally bid off to the State; but such State tax lands shall be sold subject to the same conditions and restrictions in other respects as are now or may hereafter be provided by law in regard to other State tax lands; and lands to be sold under the provisions of this section shall be offered for sale prior to the sale of other State tax lands.

Sale of lands having remained unsold for five or more years.

How sale to be made, etc.

(1091.) SEC. 125. The Auditor General shall, on the presentation and surrender of the State tax land certificate of sale at his office, or as soon thereafter as may be (except in cases where the land has been previously sold at the Auditor General's office, or redeemed, when the purchase money only shall be refunded), execute a deed of the land to the purchaser or his assigns, which shall convey all the right acquired by the State under the original sale or sales: *Provided*, That such deed shall be subject to all the conditions, and have the same force and effect, as is given by section ninety-one of this act to deeds executed in accordance with the provisions thereof.

Deed to purchaser, by Auditor General.

Proviso.

(1092.) SEC. 126. All such lands remaining unredeemed, except such descriptions as the State may have a title to for another year or years, shall be subject to sale at any time at the office of the Auditor General; and upon the payment therefor, on his certificate, to the State Treasurer of the amount for which such lands were bid off to the State, with interest at fifty per cent per annum, to be computed from the first day of October of the year in which such lands were bid off to the State, to the time of such application, the

Sale at office of Auditor General, of such unredeemed lands.

Certificate of purchase therefor.

Auditor General shall issue to the purchaser a certificate of purchase.

When deed to be issued to purchaser of certificate.

(1093.) SEC. 127. If such lands shall be redeemed, the purchaser shall be entitled to the amount paid therefor, together with twenty-five per cent interest, as contemplated and provided in section ninety-three of this act; if otherwise discharged, then to the amount paid by him, with interest at seven per cent per annum, to be computed from the date of the purchase to the date of such discharge; but, if such lands are not redeemed or otherwise discharged according to law, the Auditor General shall, on the surrender of such certificate of purchase, execute to the purchaser a deed for the lands therein described.

Purchase of unsold State tax land at Auditor General's office.

(1094.) SEC. 128. Any person may purchase any unsold State tax land upon application therefor at the office of the Auditor General, and upon paying to the State Treasurer, on the certificate of the Auditor General, the amount for which the same was or should have been first offered in the county as State tax land, with interest upon said amount at ten per cent per annum, to be computed from the first day of October, in the year in which such land was or should have been so first offered in the county, to the day of making such application and payment.

When deed to issue.

(1095.) SEC. 129. Upon application and payment being made, as above mentioned, the Auditor General shall execute to such purchaser a deed, conveying all the right, title, and interest of the State in and to said State tax lands, acquired by virtue of the original sale or sales to the State.

What provisions of law applicable to State tax land deeds.

(1096.) SEC. 130. All the provisions of law relative to deeds executed by the Auditor General, on the surrender of certificates of sale of State tax lands, issued by the several county treasurers, shall be applicable to deeds executed by him for lands purchased at his office, pursuant to the provisions of this act.

Office charges paid by purchaser, etc.

(1097.) SEC. 131. The purchaser of any lands bid in for the State at the annual tax sales, and sold pursuant to the provisions of this act, on application to the Auditor General for a deed, shall pay an office charge of thirty cents for the first and five cents for each subsequent description contained in such deed, which shall be paid into the State Treasury to the credit of the general fund.

Expenses of sale, etc., how paid.

(1098.) SEC. 132. All expenses of sale, postage, and other charges incident to the sales of lands bid in for the State as aforesaid, shall be audited by the Auditor General, and paid out of the general fund on his warrant.

(1099.) SEC. 133. In case it shall become necessary, in the prosecution of an action of ejectment by any person holding an adverse claim to any land bid in for the State, as provided in this chapter, the Auditor General may be defendant, and in all cases in the prosecution or defense of an action of ejectment or trespass, by any person holding or claiming land under any deed or deeds, or other conveyance of lands bid off or purchased for delinquent or unpaid taxes, the party so claiming under and by virtue of such purchase for unpaid taxes as aforesaid, may show his title to said land and premises, whether the same was derived under one or more purchases or sales for taxes or otherwise, and may give in evidence any and all deeds of conveyance or other evidence of such purchase as aforesaid, which he may at any one or more different times have received on sales for taxes, and may claim title under any or all of them.

Auditor General
to be defendant
in action of
ejectment.

(1100.) SEC. 134. Neither the sale of any State tax lands, nor the sale of any of the bids of the State for which the time of redemption has not expired, shall in any wise prejudice the right of the State to enforce the collection of any tax subsequent to the year or years for which the same have been sold as aforesaid; and for the taxes and charges remaining unpaid for such subsequent year or years, the Auditor General shall cause such lands to be offered in regular succession, at the next ensuing annual sales for taxes, in the proper county, giving the notice required by law, unless previously redeemed or otherwise discharged.

Right of the
State to enforce
collection of
taxes, etc., not
to be prejudiced.

(1101.) SEC. 135. All lands sold for the non-payment of taxes under the laws of this State, which were in force on the fifth day of October, eighteen hundred and sixty-eight, whether sold to individuals or bid off for the State, shall be subject to such laws as were then in force in all matters pertaining to interest and redemption, and to the refunding the purchase money in all cases wherein the sale of such land has or shall be made [void], whether by redemption or in such other manner as was by such laws provided.

All lands sold,
etc., to be sub-
ject to laws per-
taining to in-
terest and re-
demption.

MISCELLANEOUS PROVISIONS.

(1102.) SEC. 136. Any person who has a lien upon any lands returned for non-payment of taxes, may pay the taxes, interest, and charges thereon; and the receipt of the county treasurer or State Treasurer therefor, duly countersigned, shall constitute an additional lien on such lands to the amount therein specified; and the amount so specified shall be collectable, with interest thereon, in the same manner as the original lien.

Persons having
lien may pay
taxes, etc., there-
by creating ad-
ditional lien.

Penalty for neglect, by certain officers.

(1103.) SEC. 137. If any township clerk or supervisor shall willfully neglect or refuse to perform any of the duties required of him by the provisions of this act, he shall forfeit and pay a sum not exceeding five hundred dollars to any person injured by each case of such neglect, but such sum shall not exceed the injury sustained.

Board of supervisors to notify prosecuting attorney of forfeitures.

(1104.) SEC. 138. The board of supervisors of each county shall, at their annual session in each year, transmit to the prosecuting attorney the names and places of abode of all township clerks and supervisors within their county, who shall have incurred any forfeiture under the provisions of this act, and such prosecuting attorney shall immediately prosecute for such forfeiture.

Losses by default of town or county treasurers.

(1105.) SEC. 139. All losses that may be sustained by the default of the treasurer of any township shall be chargeable on such township; and all losses that may be sustained by the default of any county treasurer, in the discharge of the duties imposed by this act, shall be chargeable on such county, and the board of supervisors of such county shall add such losses to the next year's taxes of such township or county.

Auditor General to furnish blanks required.

(1106.) SEC. 140. The Auditor General shall from time to time furnish suitable blanks, in addition to those required by the preceding provisions of this act, for returns of unpaid taxes, receipts, and certificates of sale, which shall be sent to the several county treasurers.

Detroit; who to perform duties of supervisors and treasurers therein.

(1107.) SEC. 141. The assessors of the several wards in the city of Detroit shall have and exercise the powers and duties of supervisors, and the collectors of the several wards in said city shall have and exercise the powers and duties of township treasurers, under the provisions of this act.

Authority of Auditor to print act, etc.

(1108.) SEC. 142. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State, a sufficient number of copies of his act, with such forms of proceeding under the same as may be necessary and proper, to furnish one copy to each supervisor, township treasurer, township clerk, and county clerk, and three copies to each county treasurer, and shall transmit to each county treasurer, at the expense of the county, a sufficient number for such county; and every county treasurer receiving such copies shall immediately transmit to [the] township clerk of each township five copies, to be distributed by him to the officers entitled thereto.

Liability of officers for neglect to perform duties.

(1109.) SEC. 143. Any officer who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall

be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the court.

(1110.) SEC. 144. Whenever a surplus arising from the sale of any property distrained for taxes shall be claimed by any other than the person for whose tax such property was sold, and such claim shall be contested by such person, such claimant may prosecute an action against such person; or the person for whose tax such property was sold may prosecute such action against such claimant, as for money had and received; in which action the right of the respective parties to such surplus shall be tried and determined. Rights of parties to surplus arising from sale of taxes.

(1111.) SEC. 145. For the purpose of such action, the defendant shall be deemed to be in possession of the surplus in the hands of the township treasurer, and, upon the presentation to such treasurer of a certified copy of the final judgment rendered in such action, the said treasurer shall pay over the same to the party recovering such judgment; and no township treasurer shall be liable to any claimant of such surplus, the right to which is contested as provided in this act, until he shall have refused to pay over such surplus upon the production of a certified copy of a judgment as aforesaid. Proceedings to determine.

(1112.) SEC. 146. In any action brought pursuant to the two last preceding sections, no other cause of action shall be joined, nor shall any set-off be allowed; and if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.

(1113.) SEC. 147. It shall be the duty of the prosecuting attorney of each county to give his counsel and advice to the county treasurer, the township treasurer, and the supervisors of the county, whenever they or any of them may deem it necessary, for the proper discharge of the duties imposed upon them in this act, free of charge. Duty of prosecuting attorney.

(1114.) SEC. 148. Whenever any county treasurer shall pay to any township treasurer any moneys on account of taxes returned from such township, it shall be the duty of such county treasurer immediately to notify the clerk of the proper township of the amount so paid to such township treasurer. County treasurers paying money to town treasurers, to notify town clerk.

(1115.) SEC. 149. In all cases of sale of land for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the Auditor General to and in the name of the deceased person, if such deceased person Tax deeds to deceased persons

Assignment of
certificate by
executor, etc.

Deeds heretofore
issued to de-
ceased persons.

Description of
University pri-
mary school, etc.
land, to be re-
turned by super-
visor to county
treasurer.

County treas-
urer to make re-
turn to State
Land Office.

Commissioner
to enter same,
etc., in books.

Forfeiture in
case of neglect
to pay taxes
thereon.

being still alive would be entitled to a deed ; which deed shall vest the title in the heirs or devisees of such deceased person, in the same manner and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed may issue to the assignee thereof, and in like cases which have heretofore occurred, the same rule shall apply, and all deeds heretofore issued in the name of any deceased person who, if living at the time of the execution thereof, would have been entitled thereto, shall have like effect as above provided.¹

(1116.) SEC. 150. The supervisors of every township in which there shall be assessed the interest of any purchaser of university, primary school, State building, normal school, asylum, swamp, salt spring, or other lands, the title of which vests in the State, as personal property, shall, on or before the first day of November in the year when the same was so assessed, transmit to the treasurer of his county a list of all such lands, containing a full description thereof, together with the names of the persons to whom the same was so assessed.

(1117.) SEC. 151. The several county treasurers shall, at the same time and in the same manner they are now required to return to the office of the Auditor General lands delinquent for taxes in their respective counties, return to the State Land Office a statement of all university, primary school, State building, normal school asylum, swamp, and salt spring and other lands, the title of which vests in the State, upon which, from returns made to them by the township treasurer, it appears the taxes assessed have not been paid and cannot be collected.

(1118.) SEC. 152. The Commissioner of the State Land Office shall provide suitable books and enter in the same the description of every parcel of land so returned to his office and the taxes assessed on the same.

(1119.) SEC. 153. The purchaser or purchasers of any parcel of land so returned, or the person or persons claiming to have any interest in the same, as the assignee or legal representative in any other capacity of such purchaser, shall, under pain of forfeiting his or their interest in such lands and in the certificates thereof, on or before the first day of July next succeeding the time when such annual interest is payable, pay to the State Treasurer the

¹ As amended by Act 115 of the Laws of 1871, p. 185, approved April 18, 1871.

amount of taxes assessed upon any description of the lands so returned, with interest thereon from the first day of February following the assessment of the same at the rate of fifteen per cent per annum, and in addition thereto on each description the sum of thirty cents to defray the expenses of the collection of such taxes: *Provided*, That on all such taxes remaining unpaid on the first day of June following the assessment of the same, interest shall be computed at the rate of thirty per cent per annum, and from said first day of February. *Proviso.*

(1120.) SEC. 154. Every parcel of land returned under the provisions of this act, upon which the taxes and interest and charges aforesaid shall remain unpaid at the expiration of the time within which payment thereof is required to be made by the last preceding section, shall be deemed to have been forfeited to the State by the purchaser thereof, his assigns, or other legal representatives, and the land so forfeited shall be subject to sale and redemption in the same manner as other forfeited university and primary school lands now are. *Ibid.*

(1121.) SEC. 155. The said Commissioner shall, on or before the first day of May and November in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of taxes, interest, and charges paid on such lands; and shall also, at the same time, transmit to the several county treasurers of the several counties of the State, a copy of such statement, so far as the same relates to each county respectively, and the county treasurer shall credit the respective townships with the portion of such taxes and interest belonging to them respectively. *When Commissioner to furnish Auditor statement of taxes paid.*

(1122.) SEC. 156. The Auditor General shall credit to the proper counties the taxes so paid, with the rate of interest allowed on other delinquent taxes, and place the balance of moneys arising from such interest and charges to the credit of the general fund. *Auditor General to credit counties.*

(1123.) SEC. 157. The board of supervisors of any organized county, to which is attached any unorganized territory for judicial purposes, may appoint one or more assessors, to be duly qualified, who shall hold their office until others are appointed, whose duty it shall be to assess the property liable to taxation in such unorganized territory, in the same manner as is herein prescribed for the supervisors of organized townships; who shall take, complete, and deliver the same to the county clerk of such organized county on or before the first day of October, which roll shall be equalized, *Appointment of assessors for unorganized territory, by board of supervisors, etc.*

Duty of county clerk.

and so make the aggregate valuation of said county the same as the other township rolls; and the relative amount of State and county tax, together with the expense of assessment and collection, shall be appointed [apportioned] to the property of said rolls, the same as that of the several townships. It shall be the duty of the county clerk to affix the taxes so apportioned to a true copy of said roll, to annex his warrant thereto, to deliver the same to the sheriff, who shall give bonds to the county treasurer that shall be approved by him, to collect and pay over the same in the time, manner, and under the same restrictions as is herein prescribed for the town treasurers to collect and pay to the county treasurer their several State and county taxes. Said assessors shall be empowered, at any time before the first day of October, to make and complete an assessment in any organized townships that may fail or neglect to make or complete an assessment roll within the time required by this act, and shall deliver the same to the county clerk, who shall affix the taxes to a true copy thereof, and deliver the same to the sheriff of said county, who shall give bonds to the county treasurer, collect, and pay over the same in like manner as is required for the unorganized portion of said counties.

Power of assessor to complete assessment, etc.

Improvements by purchasers, to be a lien on lands.

(1124.) SEC. 158. If any person, dispossessed of lands purchased in pursuance of the provisions of this act, shall have made valuable improvements thereon, he shall be entitled to receive what such improvements are reasonably worth, to be assessed on the trial of said cause, and the same so assessed shall be a lien on said land till paid.

Duty of county treasurer when time is extended for collection of taxes in township, etc.

(1125.) SEC. 159. Whenever any township, village, or ward of a city shall ask and obtain an extension of time for the collection of taxes, it shall be the duty of the county treasurer of the county in which such township, village, or ward of a [city] is located, to compute the interest due on the tax so extended, and charge the same to the township, village, or ward of the city that obtained such extension, but in no case shall the interest thus computed become a general charge to the county.

Returns by town treasurers in newly organized counties; to whom made.

(1126.) SEC. 160. When any new county shall be organized, the officers elected and qualified, after the State and county tax has been assessed in such new county by the county to which it had been attached, and before the township treasurers have made their returns, the said township treasurers of such newly organized counties shall make their returns to and pay over the moneys and settle with the county treasurer of the county from whom they received their warrants and to whom they have given bond, and

the collection of said taxes shall proceed and be made as though no new county had been organized or set off.

(1127.) SEC. 161. Such newly organized county, and the county to which the same or any part thereof was formerly attached, shall settle and adjust their equitable rights in a division and appointment [apportionment] of taxes between them, according to the provisions of section twenty-one of chapter nine of the Compiled Laws, and the sections following, to section twenty-five, inclusive.

Law for adjusting rights, etc., of newly organized counties.

(1128.) SEC. 162. The Auditor General of this State is hereby authorized to execute a second deed upon tax sale certificates, in all cases in which he shall be satisfied, by sufficient proof, that the original deed and record thereof in the proper county have been, or that such deed, if not recorded, has been lost or destroyed, which said deed shall declare upon its face that it is a second deed, and shall be executed to the same party only as the first, and shall recite the loss or destruction of the former deed, and its date, if possible, and shall only have the same force and effect; and it shall inure for the benefit of the grantee in the first, his heirs or assigns, as the case may be, in the same way as the first would have done if it had not been lost or destroyed, and shall have no other effect whatsoever.

When Auditor to issue second tax deed.

(1129.) SEC. 163. No general or special tax authorized to be raised by the laws of this State, and which shall be assessed upon any property in any township or ward within the State, shall be held illegal or invalid for want of any matter of form in any matter or thing not affecting the merits of the case, and which shall not prejudice the rights of the party assessed; nor shall any sale of property for non-payment of the taxes thereon be invalid unless it shall be made to appear that the legal taxes, costs, and charges were tendered to the proper officers within the time limited by law for the payment of all such taxes; or, in case of the sale of real estate, unless it shall be made to appear that all legal taxes assessed upon such real estate, together with all legal costs and charges thereon, were tendered to the officer authorized to receive such redemption money, within the time limited by law for the redemption thereof; and all taxes assessed upon any property in this State shall be presumed to be legally assessed until the contrary is affirmatively shown; and no sale of real estate for non-payment of the taxes thereon shall be rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office is not found in the office where the same ought to be

When tax not to be held illegal, etc.

Penalty for neglect, by certain officers.

(1103.) SEC. 137. If any township clerk or supervisor shall willfully neglect or refuse to perform any of the duties required of him by the provisions of this act, he shall forfeit and pay a sum not exceeding five hundred dollars to any person injured by each case of such neglect, but such sum shall not exceed the injury sustained.

Board of supervisors to notify prosecuting attorney of forfeitures.

(1104.) SEC. 138. The board of supervisors of each county shall, at their annual session in each year, transmit to the prosecuting attorney the names and places of abode of all township clerks and supervisors within their county, who shall have incurred any forfeiture under the provisions of this act, and such prosecuting attorney shall immediately prosecute for such forfeiture.

Losses by default of town or county treasurers.

(1105.) SEC. 139. All losses that may be sustained by the default of the treasurer of any township shall be chargeable on such township; and all losses that may be sustained by the default of any county treasurer, in the discharge of the duties imposed by this act, shall be chargeable on such county, and the board of supervisors of such county shall add such losses to the next year's taxes of such township or county.

Auditor General to furnish blanks required.

(1106.) SEC. 140. The Auditor General shall from time to time furnish suitable blanks, in addition to those required by the preceding provisions of this act, for returns of unpaid taxes, receipts, and certificates of sale, which shall be sent to the several county treasurers.

Detroit; who to perform duties of supervisors and treasurers therein.

(1107.) SEC. 141. The assessors of the several wards in the city of Detroit shall have and exercise the powers and duties of supervisors, and the collectors of the several wards in said city shall have and exercise the powers and duties of township treasurers, under the provisions of this act.

Authority of Auditor to print act, etc.

(1108.) SEC. 142. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State, a sufficient number of copies of his act, with such forms of proceeding under the same as may be necessary and proper, to furnish one copy to each supervisor, township treasurer, township clerk, and county clerk, and three copies to each county treasurer, and shall transmit to each county treasurer, at the expense of the county, a sufficient number for such county; and every county treasurer receiving such copies shall immediately transmit to [the] township clerk of each township five copies, to be distributed by him to the officers entitled thereto.

Liability of officers for neglect to perform duties.

(1109.) SEC. 143. Any officer who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall

holding such tax deed, for principal and interest, and for all improvements made by him on such lands, and shall decree the payment thereof within such reasonable time as may be determined by such court; and in default of such payment, shall decree that such lands be sold therefor, or sufficient thereof to pay the account [amount] of such improvements, principal and interest, due to the party having such Auditor General's deed: *Provided*, Proviso. That there shall be [no] right of redemption of such property after the date of sale.

(1132.) SEC. 166. Any person holding any deed of lands, executed by the Auditor General for non-payment of taxes, may commence a suit in the circuit court in chancery, of the county where such lands lie, to quiet his title thereto, without taking possession of such lands; and all parties who have, or claim to have, or appear of record in the register's office of the county where such land is situated to have, any interest in such land, may be made defendants in such suit; and no outstanding unrecorded deed, mortgage, or claim shall be of any effect as against the title or right of the complainant, as fixed and declared by the decree made in such case; and if, upon hearing of such cause, it shall appear that the complainant's title was invalid for any cause not enumerated in section one hundred and sixty-four of this act, such suit shall not be dismissed by the court, but the court shall ascertain the amount due to the complainant, for principal, and interest to be computed at twenty-five per cent per annum, and shall decree the payment thereof within a reasonable time, by the owner of such land, and in default thereof shall direct that such land be sold therefor, and that the equity and right of redemption of all defendants in such suit, and all persons claiming under them, shall be forever foreclosed: *Provided*, That the proceedings in such cases shall be conducted in the same manner, as near as may be, and in conformity with the practice in case of foreclosure of mortgages. Proceedings in suit to quiet title. Who may be made defendants etc. Proviso.

(1133.) SEC. 167. An act entitled "An act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February fourteenth, eighteen hundred and fifty-three, and all acts and parts of acts amending said act; also, an act entitled "An act to provide for the collection and return of taxes by township treasurers in newly organized counties, in certain cases," approved January second, eighteen hundred and sixty-one; also, an act entitled "An act to authorize the Auditor General to execute second tax deeds, in certain cases," approved Acts repealed.

March twelfth, eighteen hundred and sixty-one; also, an act entitled "An act to authorize the Auditor General to refund money paid for taxes, and on tax sales, in certain cases," approved March eighteenth, eighteen hundred and sixty-three; also, an act amending said last-named act, approved March twenty-first, eighteen hundred and sixty-five; also, an act entitled "An act relative to extending the time for the collection of taxes," approved March eighteenth, eighteen hundred and sixty-five; also, an act entitled "An act to provide for the recovery of taxes paid on real estate, by persons claiming title thereto, in certain cases," approved March twentieth, eighteen hundred and sixty-five; also, an act to provide for the taxation of improvements upon homestead lands, as personal property, approved March twenty-first, eighteen hundred and sixty-seven, and all acts amending any and all of said acts, are hereby repealed: *Provided*, That the repeal of acts mentioned in this act shall not affect any act done, sale made, or right acquired or established previous to the time such repeal shall take effect.

Proviso.

SEC. 168. This act shall take immediate effect.

An Act to authorize the Auditor General to vacate and set aside certain tax sales and deeds thereon.

[Approved March 15, 1861. Laws of 1861, p. 408.]

Auditor may cancel sale of lands exempt from taxes.

(1134.) SECTION 1. *The People of the State of Michigan enact*, That whenever any lands upon which the taxes have been paid under protest, at the State Treasury, by the owner of said lands, his agent or attorney, or which heretofore have been, or hereafter shall be sold or deeded for the non-payment of taxes which have been returned to the office of the Auditor General, shall, at the time the assessment thereof was made, have been exempt from taxes by reason of having been entered by military land warrants of the war of eighteen hundred and twelve, the Auditor General shall, in his discretion, have full power and authority to annul and cancel such sale and deed, or either, as the case may be, and notify the purchaser of such cancelation and annulment, and return to him the money paid therefor to the State, or return to the owner of said lands, so paying said taxes, the amount so paid, but without interest: *Provided*, The same be within two years from the time such lands may have been sold or deeded.

Proviso.

An Act to exempt soldiers, sailors, and marines from the payment of a capitation or poll tax.

[Approved March 21, 1867. Laws of 1867, p. 101.]

SECTION 1. *The People of the State of Michigan enact*, That section amended section one of act number seventy-five of the Session Laws of eighteen hundred and sixty-seven, being an act entitled "An act to exempt soldiers, sailors, and marines from the payment of a capitation or poll tax," approved March twenty-first, eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows:

(1135.) SECTION 1. Every soldier, sailor, or marine, now or here- Wounded
after being an inhabitant of the State of Michigan, who has served soldiers, etc.,
in the war of the rebellion (so called), and who has been honorably exempt from
discharged from the service of the United States, either in conse- poll tax.
quence of wounds received or disease contracted while in the line of
duty, and who shall not have been a deserter, shall be exempt from
the payment of any capitation or poll tax: *Provided*, That the Proviso.
production of evidence of such service, discharge, and non-
desertion, as aforesaid, may at any time hereafter be furnished by
said soldier, sailor, or marine to the township board of the town-
ship, or supervisors, or assessing officer or officers of the ward in
any city, together with the clerk of said city, where any such soldier,
sailor, or marine may reside, upon which production it shall be
the duty of the said township board, or supervisor, and clerk, or
assessing officer and clerk, to furnish such applicant, free of
expense to such applicant, a certificate of such facts, and to file a
duplicate thereof in the office of the clerk of such city or township,
which said certificate shall be evidence at all times, and in all
places within this State, of the facts therein contained, and shall
exempt such soldier, sailor, or marine from such payment: *Pro-* Certain officers
vided also, That when such soldier, sailor, or marine is a pensioner to furnish certifi-
of the United States, the same shall be sufficient evidence of such cate of facts
facts required to be stated in such certificate, which certificate which shall ex-
shall be furnished upon production of the pension certificate of empt.
such pensioner.¹

SEC. 2. This act shall take immediate effect.

¹ As amended by Act 76 of the Laws of 1871, p. 102, approved April 5, 1871.

An Act to provide for the return and settlement of tax sales of county treasurers.

[Approved March 20, 1867. *Laws of 1867, p. 96.*]

Annual settle-
ment.

(1136.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the county treasurers of the several counties in said State to return to the Auditor General of the State the books, records, and certificates connected with the sale of lands for taxes in their respective counties, and make a settlement of said sales with said Auditor General, annually, on or before the first day of December following said sales.

Neglect to settle.

(1137.) SEC. 2. The said county treasurers shall account for and pay over to the State Treasurer, on the certificate of the Auditor General, all moneys found due from them to the State on account of said tax sales, annually, on or before the first day of December following the said sales; and if said county treasurers shall refuse or willfully neglect to pay over to the State Treasurer the amount so found due from them as aforesaid, they shall be liable to a prosecution by the Auditor General, under the provisions of section five thousand seven hundred and eighty of the Compiled Laws of eighteen hundred and fifty-seven, and upon conviction be punished as therein mentioned.

Penalty.

An Act to provide for assessing property in certain cases at any time between the first days of May and October in each year, and for the more speedy collection of taxes in certain cases.

[Approved March 21, 1865. *Laws of 1865, p. 681.*]

Duty of super-
visor or assessor

(1138.) SECTION 1. *The People of the State of Michigan enact,* That whenever any non-resident or transient person or persons shall, between the first days of May and October in any year, bring into any township, city, or village in this State any merchandise or other property to be used in carrying on the business or occupation of fishing, such merchandise or other property not having been previously assessed for taxation in this State for the then current year, it shall be the duty of the supervisor or assessor of such township, city, or village to assess such property for taxation in the same manner assessments are usually made, and as if the same had been in the township, city, or village, subject to taxation, at the usual time of making the assessments. And it shall be the duty of such supervisor or assessor to make out a separate assessment roll for the taxes to be levied thereon, and present the same to the board of supervisors of the county in which such township,

Equalization of
taxation.

city, or village is situate, at their annual meeting in October in each year, whose duty it shall be to immediately equalize the taxation, including said separate assessment roll or rolls; and as soon as the rate of taxation is ascertained, it shall be the duty of each supervisor in whose township the said separate assessment roll may be required, forthwith to make out a separate tax roll from said separate assessment roll, and deliver it to the township, city, or village treasurer, who shall proceed at once to collect the said taxes so assessed under the provisions of this act, according to the law for the collection of taxes, and pay over the amount so collected in the same manner as other taxes are collected and paid over. Collection of.

SEC. 2. This act shall take immediate effect.

An Act to authorize the Auditor General to issue new tax deeds in place of those lost.

[Approved March 22, 1869. Laws of 1869, p. 98.]

(1139.) SECTION 1. *The People of the State of Michigan enact,* That whenever it shall be made to appear to the satisfaction of the Auditor General, by affidavit or otherwise, that any Auditor General's deed for land sold as delinquent for taxes has been lost or destroyed, it shall be his duty to execute, issue, and deliver to the person making such proof, a new deed of the lands described in said first deed, and the said deed shall have indorsed upon it a statement that it is a new deed issued in place of one that is lost or destroyed; and said new deed, or the record thereof, shall be evidence of title in all courts and proceedings, of title in the grantee, his or her heirs or assigns, the same as the original deed, or the record thereof, would be. Issue of duplicate tax deed authorized.

An Act to provide for taxing the property of Masonic and Odd Fellows' Lodges, and other benevolent societies.

[Approved March 24, 1869. Laws of 1869, p. 104.]

(1140.) SECTION 1. *The People of the State of Michigan enact,* That any Masonic and Odd-Fellows' Lodge, or other benevolent society or order, incorporated under the laws of this State, owning, occupying, or controlling any temple, hall, or other property, such property shall be subject to taxation, in like manner as the same kind of property owned by individuals or companies is taxed: *Provided,* That any hall or rooms occupied by such corporation for their own use exclusively shall be exempt from taxation. Taxation authorized.
 Provision.

SEC. 2. This act shall take immediate effect.

An Act to provide for the payment of taxes levied and assessed upon lands purchased and held for non-payment of taxes.

[Approved April 5, 1869. *Laws of 1869, p. 318.*]

Providing for
payment of taxes
before recovery
of lands held for
non-payment of
taxes.

(1141.) SECTION 1. *The People of the State of Michigan enact,* That no person shall be entitled to the recovery of the possession of land purchased and held by such person from the State, or held as grantee of a previous grantee or grantees of the State, for the non-payment of taxes, nor shall any such person or his legal representatives be lawfully entitled to the possession of any such lands, unless such person shall have, at any time before final judgment in his favor, or at the time of entering into such possession, either paid all the taxes levied and assessed upon such lands, subsequent to the date of any tax deed under which he claims, or tendered the amount of taxes thus paid to the person who paid the same, if such person be the person against whom recovery is sought, or shall have acquired all the tax titles given for the taxes levied and assessed subsequent to such first acquired tax title, and previous to the entering into such possession.

An Act relative to the construction of acts legalizing taxes, assessments, and tax and assessment rolls.

[Approved March 18, 1871. *Laws of 1871, p. 40.*]

Irregularities
not legalized un-
less distinctly
stated.

(1142.) SECTION 1. *The People of the State of Michigan enact,* That no act of the Legislature legalizing any tax or assessment, or any tax or assessment roll, and which shall hereafter become a law, shall be construed as extending to the legalization of any irregularity or defect which is not distinctly stated and set forth in such act.

SEC. 2. This act shall take immediate effect.

CHAPTER XXII.

SPECIFIC STATE TAXES AND DUTIES.

From chapter twenty-one of Revised Statutes of 1846.

TAX UPON RAILROAD, CANAL, AND TURNPIKE
CORPORATIONS.

(1143.) SEC. 5. Every company heretofore incorporated, or here-
after to be incorporated within this State, for the purpose of con-
structing and using any railroad, canal, or turnpike therein, shall
pay a yearly tax to the State of three-fourths of one per cent on
the amount of the capital stock of such company paid in, or
secured to be paid, which tax shall be paid into the State Treasury,
by said corporations respectively, on or before the first Monday of
October, in the year one thousand eight hundred and forty-seven,
and in each year thereafter.

Tax on capital
stock of railroad
and other cor-
porations.

(1144.) SEC. 6. Such tax shall be in lieu of all State, county,
township, or other taxes in this State, on the capital stock of said
corporations, and on the railroad, canal, or turnpike constructed
or used by any such corporation, and on all the real and personal
property in which said capital stock shall be invested, and which
shall be used and occupied by any such company, in accordance
with the provisions of its charter and the laws of this State, in
the construction or use of such railroad, canal, or turnpike.

Such tax to be
in lieu of all
other taxes.

(1145.) SEC. 7. If any such incorporated company shall neglect
or refuse to pay the tax aforesaid, on or before the said first Mon-
day of October, the State Treasurer shall immediately furnish the
name of every such company so neglecting or refusing to pay such
tax, to the Attorney General, with the amount due from each; and
the Attorney General shall thereupon file a bill in the court of

Proceedings in
case of neglect
to pay.

An Act to provide for the return and settlement of tax sales of county treasurers.

[Approved March 20, 1867. Laws of 1867, p. 96.]

Annual settle-
ment.

(1136.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the county treasurers of the several counties in said State to return to the Auditor General of the State the books, records, and certificates connected with the sale of lands for taxes in their respective counties, and make a settlement of said sales with said Auditor General, annually, on or before the first day of December following said sales.

Neglect to settle.

(1137.) SEC. 2. The said county treasurers shall account for and pay over to the State Treasurer, on the certificate of the Auditor General, all moneys found due from them to the State on account of said tax sales, annually, on or before the first day of December following the said sales; and if said county treasurers shall refuse or willfully neglect to pay over to the State Treasurer the amount so found due from them as aforesaid, they shall be liable to a prosecution by the Auditor General, under the provisions of section five thousand seven hundred and eighty of the Compiled Laws of eighteen hundred and fifty-seven, and upon conviction be punished as therein mentioned.

Penalty.

An Act to provide for assessing property in certain cases at any time between the first days of May and October in each year, and for the more speedy collection of taxes in certain cases.

[Approved March 21, 1865. Laws of 1865, p. 684.]

Duty of super-
visor or assessor

(1138.) SECTION 1. *The People of the State of Michigan enact,* That whenever any non-resident or transient person or persons shall, between the first days of May and October in any year, bring into any township, city, or village in this State any merchandise or other property to be used in carrying on the business or occupation of fishing, such merchandise or other property not having been previously assessed for taxation in this State for the then current year, it shall be the duty of the supervisor or assessor of such township, city, or village to assess such property for taxation in the same manner assessments are usually made, and as if the same had been in the township, city, or village, subject to taxation, at the usual time of making the assessments. And it shall be the duty of such supervisor or assessor to make out a separate assessment roll for the taxes to be levied thereon, and present the same to the board of supervisors of the county in which such township,

Equalization of
taxation.

CHAPTER XXII.

SPECIFIC STATE TAXES AND DUTIES.

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UPON RAILROAD, CANAL, AND TURNPIKE
CORPORATIONS.

43.) SEC. 5. Every company heretofore incorporated, or here-
to be incorporated within this State, for the purpose of con-
ing and using any railroad, canal, or turnpike therein, shall
yearly tax to the State of three-fourths of one per cent on
ount of the capital stock of such company paid in, or
to be paid, which tax shall be paid into the State Treasury,
corporations respectively, on or before the first Monday of
, in the year one thousand eight hundred and forty-seven,
each year thereafter.

Tax on capital
stock of railroad
and other cor-
porations.

) SEC. 6. Such tax shall be in lieu of all State, county,
, or other taxes in this State, on the capital stock of said
ons, and on the railroad, canal, or turnpike constructed
y any such corporation, and on all the real and personal
n which said capital stock shall be invested, and which
ed and occupied by any such company, in accordance
rovisions of its charter and the laws of this State, in
ction or use of such railroad, canal, or turnpike.

Such tax to be
in lieu of all
other taxes.

SEC. 7. If any such incorporated company shall neglect
pay the tax aforesaid, on or before the said first Mon-
ber, the State Treasurer shall immediately furnish the
ry such company so neglecting or refusing to pay such
ttorney General, with the amount due from each; and
General shall thereupon file a bill in the court of

Proceedings in
case of neglect
to pay.

An Act to provide for the payment of taxes levied and assessed upon lands purchased and held for non-payment of taxes.

[Approved April 5, 1869. *Laws of 1869*, p. 318.]

Providing for
payment of taxes
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non-payment of
taxes.

(1141.) SECTION 1. *The People of the State of Michigan enact,* That no person shall be entitled to the recovery of the possession of land purchased and held by such person from the State, or held as grantee of a previous grantee or grantees of the State, for the non-payment of taxes, nor shall any such person or his legal representatives be lawfully entitled to the possession of any such lands, unless such person shall have, at any time before final judgment in his favor, or at the time of entering into such possession, either paid all the taxes levied and assessed upon such lands, subsequent to the date of any tax deed under which he claims, or tendered the amount of taxes thus paid to the person who paid the same, if such person be the person against whom recovery is sought, or shall have acquired all the tax titles given for the taxes levied and assessed subsequent to such first acquired tax title, and previous to the entering into such possession.

An Act relative to the construction of acts legalizing taxes, assessments, and tax and assessment rolls.

[Approved March 18, 1871. *Laws of 1871*, p. 40.]

Irregularities
not legalized un-
less distinctly
stated.

(1142.) SECTION 1. *The People of the State of Michigan enact,* That no act of the Legislature legalizing any tax or assessment, or any tax or assessment roll, and which shall hereafter become a law, shall be construed as extending to the legalization of any irregularity or defect which is not distinctly stated and set forth in such act.

SEC. 2. This act shall take immediate effect.

CHAPTER XXII.

SPECIFIC STATE TAXES AND DUTIES.

From chapter twenty-one of Revised Statutes of 1846.

TAX UPON RAILROAD, CANAL, AND TURNPIKE CORPORATIONS.

(1143.) SEC. 5. Every company heretofore incorporated, or hereafter to be incorporated within this State, for the purpose of constructing and using any railroad, canal, or turnpike therein, shall pay a yearly tax to the State of three-fourths of one per cent on the amount of the capital stock of such company paid in, or secured to be paid, which tax shall be paid into the State Treasury, by said corporations respectively, on or before the first Monday of October, in the year one thousand eight hundred and forty-seven, and in each year thereafter.

Tax on capital stock of railroad and other corporations.

(1144.) SEC. 6. Such tax shall be in lieu of all State, county, township, or other taxes in this State, on the capital stock of said corporations, and on the railroad, canal, or turnpike constructed or used by any such corporation, and on all the real and personal property in which said capital stock shall be invested, and which shall be used and occupied by any such company, in accordance with the provisions of its charter and the laws of this State, in the construction or use of such railroad, canal, or turnpike.

Such tax to be in lieu of all other taxes.

(1145.) SEC. 7. If any such incorporated company shall neglect or refuse to pay the tax aforesaid, on or before the said first Monday of October, the State Treasurer shall immediately furnish the name of every such company so neglecting or refusing to pay such tax, to the Attorney General, with the amount due from each; and the Attorney General shall thereupon file a bill in the court of

Proceedings in case of neglect to pay.

An Act to provide for the payment of taxes levied and assessed upon lands purchased and held for non-payment of taxes.

[Approved April 5, 1869. *Laws of 1869, p. 318.*]

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non-payment of
taxes.

(1141.) SECTION 1. *The People of the State of Michigan enact,* That no person shall be entitled to the recovery of the possession of land purchased and held by such person from the State, or held as grantee of a previous grantee or grantees of the State, for the non-payment of taxes, nor shall any such person or his legal representatives be lawfully entitled to the possession of any such lands, unless such person shall have, at any time before final judgment in his favor, or at the time of entering into such possession, either paid all the taxes levied and assessed upon such lands, subsequent to the date of any tax deed under which he claims, or tendered the amount of taxes thus paid to the person who paid the same, if such person be the person against whom recovery is sought, or shall have acquired all the tax titles given for the taxes levied and assessed subsequent to such first acquired tax title, and previous to the entering into such possession.

An Act relative to the construction of acts legalizing taxes, assessments, and tax and assessment rolls.

[Approved March 18, 1871. *Laws of 1871, p. 40.*]

Irregularities
not legalized un-
less distinctly
stated.

(1142.) SECTION 1. *The People of the State of Michigan enact,* That no act of the Legislature legalizing any tax or assessment, or any tax or assessment roll, and which shall hereafter become a law, shall be construed as extending to the legalization of any irregularity or defect which is not distinctly stated and set forth in such act.

SEC. 2. This act shall take immediate effect.

CHAPTER XXII.

SPECIFIC STATE TAXES AND DUTIES.

From chapter twenty-one of Revised Statutes of 1846.

TAX UPON RAILROAD, CANAL, AND TURNPIKE
CORPORATIONS.

(1143.) SEC. 5. Every company heretofore incorporated, or hereafter to be incorporated within this State, for the purpose of constructing and using any railroad, canal, or turnpike therein, shall pay a yearly tax to the State of three-fourths of one per cent on the amount of the capital stock of such company paid in, or secured to be paid, which tax shall be paid into the State Treasury, by said corporations respectively, on or before the first Monday of October, in the year one thousand eight hundred and forty-seven, and in each year thereafter.

Tax on capital stock of railroad and other corporations.

(1144.) SEC. 6. Such tax shall be in lieu of all State, county, township, or other taxes in this State, on the capital stock of said corporations, and on the railroad, canal, or turnpike constructed or used by any such corporation, and on all the real and personal property in which said capital stock shall be invested, and which shall be used and occupied by any such company, in accordance with the provisions of its charter and the laws of this State, in the construction or use of such railroad, canal, or turnpike.

Such tax to be in lieu of all other taxes.

(1145.) SEC. 7. If any such incorporated company shall neglect or refuse to pay the tax aforesaid, on or before the said first Monday of October, the State Treasurer shall immediately furnish the name of every such company so neglecting or refusing to pay such tax, to the Attorney General, with the amount due from each; and the Attorney General shall thereupon file a bill in the court of

Proceedings in case of neglect to pay.

chancery against every such company, for the discovery and sequestration of its property.

Sequestration,
injunction, etc.

(1146.) SEC. 8. The *Chancellor*, on the filing of such bill, or on the coming in of the answer thereto, shall order such part of the property of such company to be sequestered, as he shall deem necessary for satisfying the taxes in arrear, with the costs of prosecution; and he may also, at his discretion, enjoin such company, and the officers thereof, from any further proceedings under their act of incorporation, and may order and direct such other proceedings as he may deem necessary to compel the payment of such tax and costs.

Proceedings at
law to recover
tax.

(1147.) SEC. 9. The Attorney General may also recover such tax, with costs, from such delinquent company, by action in the name of the people of this State, in any court of competent jurisdiction.

HAWKERS AND PEDDLERS.

Hawkers and
peddlers re-
quired to take
out license.

(1148.) SEC. 16. No person shall be authorized to travel from place to place within this State, for the purpose of carrying to sell or exposing to sale any goods, wares, or merchandise, or to take orders for the purchase of goods, wares, or merchandise, by sample lists or catalogues, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter directed.¹

Application for
license as hawk-
er and peddler.

(1149.) SEC. 17. Every person desirous to obtain a license as a hawker or peddler, shall apply to the Treasurer of this State, and shall deliver to him a note in writing, signed by such applicant, stating in what manner he intends to travel and trade, whether on foot, or with one or more horses or other beasts of burthen, or with any sort of carriage.

Payment of
duties.

Amounts.

(1150.) SEC. 18. Every such applicant, before he shall be entitled to a license, shall pay into the State Treasury the following duties: If he intend to travel on foot, the sum of fifteen dollars; if he intend to travel and carry his goods with a single horse or other beast carrying or drawing a burthen, the sum of forty dollars; if he intend to travel with any vehicle drawn by more than one horse or other animal, the sum of seventy-five dollars; if he intend to travel by railroad, steamboat, or other public conveyance, the sum of one hundred dollars; if he intend to travel in any manner for the purpose of taking orders for goods, wares or merchandise, by exhibiting samples, lists, catalogues, or otherwise, the sum of fifty dollars.¹

¹ As amended by Act 272 of the Laws of 1865, p. 561, approved March 20, 1865.

(1151.) SEC. 19. Upon the presentation of such note in writing, and the payment of the proper duties herein required, the State Treasurer shall grant to such applicant a license under his hand and seal of office, and authorizing such applicant to travel and trade as a hawker or peddler, in the manner stated in such note, for the term of one year from the date of the license.

When Treasurer to grant license.

(1152.) SEC. 20. Licenses may be granted by the Treasurer for any term less than one year, upon payment of a ratable proportion of the duties hereinbefore prescribed; and every license granted or to be granted for the purposes aforesaid, shall be renewed annually by the State Treasurer, if such renewal be applied for, on the same terms and conditions that the original license was granted.¹

Licenses to be issued for any term less than a year, and may be renewed annually.

(1153.) SEC. 21. Every person who shall be found traveling and trading, or soliciting trade within the limits of this State, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker or peddler, shall for each offense forfeit the sum of one hundred dollars.¹

Penalty for peddling, etc., without license.

(1154.) SEC. 22. Nothing contained in this chapter shall be construed to prevent any manufacturer, mechanic, or nurseryman residing in this State from selling his work or production by sample or otherwise without license; nor shall any wholesale merchant, having a regular place of business in this State, be prevented by anything herein contained from selling by sample without license; but no merchant shall be allowed to peddle or to employ others to peddle goods not his own manufacture without the license in this chapter provided.¹

Construction of this chapter.

(1155.) SEC. 23. Every person who shall be found traveling and trading as aforesaid, and who shall refuse to produce a license as a hawker or peddler to any officer or citizen who shall demand the same, shall, for each offense, forfeit the sum of ten dollars.

Penalty for refusing to produce license.

(1156.) SEC. 24. In every case of a prosecution against any person for the recovery of any penalty given in this chapter, no costs shall be allowed to the defendant if it shall appear that before the commencement of the prosecution such defendant had refused to produce his license or to disclose his name when lawfully required.

Costs in case of prosecution.

(1157.) SEC. 25. No prosecution for the recovery of any penalty imposed for any violation of the provisions of this chapter, relating to hawkers and peddlers, shall be maintained, unless it shall be brought within sixty days after the commission of the offense charged.

Limitation of prosecutions for penalty.

¹ As amended by Act 105 of the Laws of 1947, p. 168.

AUCTIONEERS, AND DUTIES UPON SALES AT
AUCTION.

How a person
may become an
auctioneer.

(1158.) SEC. 26. Any citizen of this State may become an auctioneer within the county in which he resides on executing and delivering to the treasurer of such county a bond in the penal sum of two thousand five hundred dollars, with two or more sufficient sureties, to be approved by such treasurer, conditioned for the payment to such treasurer of all auction duties upon goods or property which may be sold by him according to law.

1889, p. 145.

For what term.

(1159.) SEC. 27. Every person, who shall have executed and delivered such bond to the county treasurer, shall, for the term of four years next after the date of such bond, be an auctioneer within such county, and be authorized to carry on and perform the business of an auctioneer, and shall conform to the provisions hereinafter contained.

Auctioneer to
render statement
on oath.

(1160.) SEC. 28. If such auctioneer reside in either of the cities of this State, he shall, on the first Monday of each month, and if he reside in any other place, then on the first Monday of April and October in each and every year, make out a statement in writing, verified by his oath, and deliver the same to the county treasurer, in which statement he shall designate particularly:

First. The sums for which all the goods at every auction held by him after delivering such bond, or the date of his last preceding statement, were sold;

Second. The days on which sales were so made by him, and the amount of sales on each day;

Third. The amount of duties chargeable under the provisions of this chapter.

Delivery of
statement and
payment of
duties.

(1161.) SEC. 29. Every such statement, verified as aforesaid, shall, within ten days after the date thereof, be delivered by such auctioneer to the treasurer of the county in which he resides; and such auctioneer shall, at the time of delivering such statement, pay over to such county treasurer the duties chargeable by law upon the sales specified in such statement, and take the treasurer's receipt therefor, which receipt shall be countersigned by the clerk of the same county, who shall make an entry of the amount thereof in a proper book to be kept by him for that purpose.

County treasurer to forward
statement to
Auditor General,
and pay over du-
ties.

(1162.) SEC. 30. Each county treasurer shall, immediately after receiving such statement, forward the same to the Auditor General, and shall pay over all auction duties received by him to the State Treasurer, in such manner as such Treasurer shall direct.

(1163.) SEC. 31. The following articles and no others shall be subject to the payment of the following duties, if sold at auction: Articles subject to duties.

First. All ardent spirits, wines, and intoxicating liquors, whether foreign or domestic, shall be liable to the payment of a duty of two and a half per cent;

Second. All goods, wares, and merchandise of every description, imported from any place without the United States, shall be liable to the payment of a duty of one and a half per cent at each and every time they are so exposed for sale.

(1164.) SEC. 32. Goods and chattels, otherwise liable to auction duties, shall be exempt therefrom if sold under the following circumstances: When chattels exempt from auction duties.

First. If they shall belong to the United States or this State;

Second. If they shall be sold in pursuance of any judgment, order, or decree of any court of law or equity, or under any seizure or distress by any public officer;

Third. If they shall belong to an estate of a deceased person, and be sold by his executors or administrators, or by any other person duly authorized by any judge of probate;

Fourth. If they shall be the effects of a bankrupt or insolvent, and be sold by his assignee, appointed pursuant to law, or by a general assignment for the benefit of the creditors of such bankrupt or insolvent;

Fifth. If they shall be sold at any fair, or other exhibition, the entire proceeds of which are devoted to any association organized for charitable or benevolent purposes, or for the relief of sick and wounded soldiers, or the families of such soldiers.¹

(1165.) SEC. 33. All goods, property, and effects, liable to the payment of duties, shall, in all cases when sold at auction, be struck off to the highest bidder, and when the auctioneer, or owner, or any person employed by them, or either of them, shall be such bidder, they shall be subject to the same duties as if struck off to any other person; but this section shall not be construed to render valid any sale which would otherwise be deemed fraudulent and void. Sales, how made by auctioneer.

(1166.) SEC. 34. All duties shall be calculated on the sums for which the goods and property exposed for sale shall be respectively struck off to the purchaser thereof. Duties, how calculated.

(1167.) SEC. 35. If any person shall act as an auctioneer in the sale of any goods or property liable to the payment of duties under the provisions of this chapter, without first having delivered to the Persons acting as auctioneer without authority, guilty of misdemeanor.

¹ As amended by Act 88 of the Laws of 1865, p. 40, approved February 10, 1865.

- into the State Treasury specific taxes as follows, that is to say: Every such corporation and chartered company engaged in copper mining shall pay a tax of seventy-five cents for each ton of copper obtained; every such corporation and chartered company engaged in iron mining shall pay a tax of one cent for each ton of ore obtained; every such corporation and chartered company engaged in coal mining shall pay a tax of one half-cent for each ton of coal obtained by such corporation or chartered company in such mining business. Said taxes shall be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. This act shall in no way interfere with the provisions of an act heretofore passed, remitting the specific taxes of the Upper Peninsula to the counties in which they arise, for certain purposes, for the term of five years. The taxes herein provided for shall be in lieu of all State taxes to be paid by such corporations and chartered companies, except the specific taxes upon the capital stock of said corporations and chartered companies: *Provided*, That nothing herein contained shall exempt from State taxation any property of such corporations or chartered companies not invested in mining or manufacturing business, as contemplated by this act.¹
- (1177.) SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.
- SEC. 2. [SEC. 3.] This act shall take immediate effect.

An Act to provide for a tax upon dogs.

[Approved March 16, 1865. *Laws of 1865, p. 340.*]

- (1178.) SECTION 1. *The People of the State of Michigan enact*, That in all the townships and wards of the cities of this State, there shall be annually levied and collected the following tax upon dogs: Upon every male dog over two months old, owned or kept by any one person or family, one dollar; upon every female dog, owned or kept by any one person or family, three dollars.
- (1179.) SEC. 2. The assessor of every township or ward, at the time of making his annual assessment, shall inquire and ascertain the number of dogs liable to be taxed, and shall enter in lists, to be made by him, the name of every person in his respective township or ward owning or keeping any dog subject to the above tax, the number kept by such person, and the amount of tax to be paid by him.

¹ As amended by Act 111 of the Laws of 1871, p. 179, approved April 12, 1871.

(1180.) SEC. 3. The assessor of every township and ward shall, Duplicate list. on or before the fifteenth day of May in each year, make out a duplicate of the lists made by him, as provided in the preceding section, and file the same with the township or city clerk of their respective townships or cities. Said taxes, as provided for in the preceding sections of this act, shall be assessed to, and collected from, such persons as shall be liable for the same, in the same manner as other township and city taxes are assessed and collected. Tax, how collected.

(1181.) SEC. 4. The collector to whom such tax roll shall be delivered shall proceed and collect the sums of money therein specified, in the same manner and with like authority, in all respects, as in the collection of taxes imposed by the board of supervisors of the county, and shall, after deducting the commission allowed by this act, retain the remainder in the township or city treasury, subject to the order of the district officers of the several primary school districts of his respective township or city; and the same remedies to compel such collection and the payment over of the money, may be had against such collectors and their sureties, as in the case of a tax levied by the board of supervisors. Collectors to collect tax. Money, how disposed of.

(1182.) SEC. 5. The collectors shall be allowed to retain a commission of four per cent upon all sums of money collected by them under the provisions of this act, and shall make and deliver a correct statement, and account for the amount of money so collected, to the township board of their respective townships, and to the city treasurer of cities, at the time of making their annual settlements with said boards and treasurers. Collection commission.

(1183.) SEC. 6. If any person assessed for any such dog shall refuse or neglect to pay the tax so assessed, for ten days after the demand thereof, it shall be lawful for any person to kill the dog so taxed. If tax is not paid, dog may be killed.

(1184.) SEC. 7. The money so collected shall be apportioned among the several primary school districts of the respective townships or cities, at the same time and in the same manner, and for the same purposes, as other primary school funds are distributed. Apportionment of money raised by tax.

(1185.) SEC. 8. Any township or city officers who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than twenty-five dollars, nor more than one hundred dollars for each offense. Penalty for neglect of duties by officers.

(1186.) SEC. 9. Every person in possession of any dog, or who shall suffer any dog to remain about his house for the space of twenty days previous to the assessment of a tax, or previous to any Person harboring dog, deemed owner.

injury, chasing or worrying of sheep, shall be deemed the owner of such dog, for all purposes of this act: *Provided*, That this shall not apply to the Upper Peninsula, nor to any county where sheep are not kept.

Act repealed. (1187.) SEC. 10. Act, number two hundred and ten of Session Laws of eighteen hundred and sixty-three, entitled "An act to protect the owners of sheep from damages done by dogs," and approved March twentieth, eighteen hundred and sixty-three, is hereby repealed, and all moneys collected under the provisions of that act shall be returned by the Auditor General to the counties from which they arose, and the county treasurers of such counties shall return such money to the townships or cities from which it came; and the clerk of such townships or cities shall apportion the same among the several school districts in his township or city, in the same manner as the primary school money is apportioned.

SEC. 11. This act shall take immediate effect.

An Act to regulate insurance companies and their agents, associations, partnerships, and individuals doing business and making insurance upon the life of domestic animals, and against loss by accident, disease, or theft of such animals, not incorporated by the State of Michigan.

[Approved March 27, 1867. Laws of 1867, p. 224.]

Laws taxing insurance companies extended to include companies insuring lives of animals. (1188.) SECTION 1. *The People of the State of Michigan enact*, That all the provisions of law now existing, imposing a tax upon persons and companies engaged in the business of fire and marine and other insurance, which are not organized and existing under the laws of this State, shall extend to and include, so far as the imposition of said tax is concerned, of all companies and persons making insurance upon the life of domestic animals, and against loss by disease, accident, or theft of such animals, which are not organized by virtue of the laws of this State.

An Act authorizing the supervisors of the several towns in the Upper Peninsula to assess and collect [the State] taxes upon all mining companies' real estate, or other property.

[Approved March 16, 1861. Laws of 1861, p. 409.]

Supervisor to tax property of mining companies. (1189.) SECTION 1. *The People of the State of Michigan enact*, That the several supervisors of the different townships in the counties in the Upper Peninsula, be and are hereby authorized and required to assess and collect, in the same manner that taxes are assessed on other property, the State taxes upon all real and per-

sonal property belonging to any mining corporation or association formed under the general mining laws of this State, that are not actually carrying on and engaged in the business of mining.

(1190.) SEC. 2. All mining corporations organized under the general mining laws of this State, and those organized under special acts of the Legislature, prior to the adoption of the Constitution of this State, or those that may be hereafter organized under the general mining laws, that are actually engaged in and carrying on the business of mining, shall pay a State tax upon all their real estate that exceeds in quantity six hundred and forty acres of land; and to entitle any corporation to the exemption from taxation of a quantity of lands, not exceeding six hundred and forty acres, they shall file in the county clerk's office of their respective counties a full and complete description of said land, and accompanying said description with a map and survey of the same. The supervisors of the several townships in which any of said lands belonging to any mining corporation may be located, are hereby authorized and required to assess the State tax on all the lands belonging to such mining corporations, not herein exempt: *Provided*, That nothing in this act shall release any mining corporation or association from paying any specific tax now provided by law.

Mining companies to pay State tax on excess of real estate over 640 acres.

Companies to file description of lands with county clerk.

Duty of supervisor.

Proviso.

(1191.) SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repeal.

SEC. 4. This act shall take immediate effect.

TITLE IX.

HIGHWAYS, BRIDGES, FERRIES, AND PRIVATE ROADS.

- CHAPTER XXIII. Officers having the care and superintendence of highways and bridges, and their general powers and duties.
- CHAPTER XXIV. Persons liable to work on highways, and assessments therefor.
- CHAPTER XXV. Duties of overseers in regard to the performance of labor on highways, the performance of such labor, or the commutation therefor, and the application of moneys by the commissioners.
- CHAPTER XXVI. Laying out, altering, and discontinuing public roads.
- CHAPTER XXVII. Obstruction of highways, encroachments thereon, and penalties.
- CHAPTER XXVIII. Erection, repairing, and preservation of bridges.
- CHAPTER XXIX. Miscellaneous provisions of a general nature.
- CHAPTER XXX. The regulation of ferries.
- CHAPTER XXXI. Private roads.

CHAPTER XXIII.

OFFICERS HAVING THE CARE AND SUPERINTENDENCE OF HIGHWAYS AND BRIDGES, AND THEIR GENERAL POWERS AND DUTIES.

N. Y. Rev. Stat.,
Art. 1, Title 1,
Chap. 16, Part 1.
Commissioners
of highways;
their duties.
4 Mich. 537.

Chapter twenty-two of Revised Statutes of 1846.

(1192.) SECTION 1. The commissioners of highways in the several townships in this State shall have the care and superintendence of highways and bridges therein, and it shall be their duty,

First. To give directions for the repairing of roads and bridges within their respective townships;

Second. To regulate the roads already laid out, and to alter such of them as they shall deem inconvenient;

Third. To cause such of the roads used as highways, as have been laid out but not sufficiently described, and such as shall have

been used for twenty years, but not recorded, to be ascertained, described, and entered of record in the township clerk's office;

Fourth. To cause the highways, and the bridges over streams intersecting highways, to be kept in repair;

3 Barb. S. C. R.
645, 3 Hill, 619.
6 Hill, 468.

Fifth. To divide their respective townships into so many road districts as they shall judge convenient, by writing, under their hands, to be entered of record in the township clerk's office; but no such division shall be made within five days next preceding the annual township meeting;

Sixth. To assign to each of said districts such of the inhabitants, liable to work on highways, as shall reside in such district or own lands therein; and,

Seventh. To require the overseers of highways, from time to time, and as often as they shall deem it necessary, to have all persons assessed to work on the highways perform their labor thereon with such teams, carriages, sleds, or implements as said commissioners, or any of them, shall direct.

(1193.) SEC. 2. The commissioners of highways shall have power, in the manner and under the restrictions hereinafter provided, to lay out and establish, upon actual survey, such new roads in their respective townships as they may deem necessary, and to discontinue such old roads and highways as shall appear to them to have become unnecessary.

To lay out and
discontinue
roads.

(1194.) SEC. 3. The commissioners of highways of each township shall render to the township board, at the annual meeting of such board in each year, an account in writing, stating,

To render ac-
count to town-
ship board.

First. The labor assessed and performed in their township;

Second. The sums paid for delinquencies and commutations, and other moneys received by them, and the application thereof;

Third. The improvements which have been made on the roads and bridges in their township during the year preceding such report, and the condition of such roads and bridges; and

Fourth. The improvements necessary to be made on the same, and an estimate of the probable expense thereof beyond what the labor to be assessed in that year will accomplish.

(1195.) SEC. 4. The township board shall cause such statement to be presented at the then next annual township meeting, and such meeting may vote for the raising of such sum, not exceeding two hundred and fifty dollars in any one year, for the improvement of the roads and bridges within the township, as a majority of the electors present shall deem necessary; and the sum so voted shall

Statement to be
presented at
township meet-
ing; moneys
may be voted
and collected.

be levied and collected in the same manner as other township expenses.

Duties of overseers.

(1196.) SEC. 5. It shall be the duty of the overseers of highways:

First. To repair and keep in order the highways, within the several districts for which they shall have been elected or appointed respectively;

Second. To warn all persons assessed to work on the highways in their respective districts to come and work on such highways according to law;

Third. To cause the noxious weeds within the limits of the highways in their respective districts to be cut down or destroyed twice in each year, once before the first day of July, and again before the first day of September; and the requisite labor shall be considered highway work; and,

Fourth. To collect all sums due for delinquencies and commutation money, and to execute all lawful orders of the commissioners of highways.

To remove loose stones.

(1197.) SEC. 6. It shall also be the duty of the overseers of highways, once in every month, from the first day of April to the first day of December, to cause all the loose stones lying on the beaten track of every road within their respective districts, to be removed.

When highway taxes to be collected.

(1198.) SEC. 7. Every overseer of highways shall cause at least two-thirds of the assessment of highway taxes to be collected from all the resident inhabitants of his district before the first day of July, and all the remainder of said assessment before the first day of November, and if, after the account required in section seventeen of chapter twenty-one of Compiled Laws shall have been rendered, and before the township meeting following next thereafter, it shall be necessary to remove obstructions from the highway, or to repair culverts or bridges injured by freshets or otherwise, the proper overseer of highways is hereby authorized and required to call out any person or persons in his district liable to pay highway tax, to remove such obstruction or to repair such culverts or bridges; and said overseer of highways is hereby further required to give such person or persons a written certificate stating the number of days worked by each, which shall be allowed to them on the next year's highway tax: *Provided*, No person shall be called upon for labor to exceed the amount of one-half of his tax the previous year.¹

Duties of overseer.

To call out persons.

To give certificate of number of days worked.

Proviso.

¹ As amended by Act 93 of the Laws of 1871, p. 140, approved April 12, 1871.

(1199.) SEC. 8. The commissioners of highways of each township shall cause guide-posts, with proper inscriptions and devices thereon, to be erected and kept in repair at the intersection of all post roads in their township, and at the intersection of such other roads therein as they may deem necessary. Guide-posts.

(1200.) SEC. 9. Any overseer of highways may procure a good and sufficient iron or steel shod scraper, and a suitable plough, or either of them, for the use of his road district, to be paid for with moneys arising from commutations, delinquencies, or non-resident highway taxes within such district. ^{Scrapers and ploughs.}

(1201.) SEC. 10. If any overseer shall be employed more days in executing the several duties enjoined upon him by this chapter, than he is assessed to work on the highways, he shall be paid for the excess at the rate of seventy-five cents per day, and be allowed to retain the same out of any moneys that may come into his hands for delinquencies or commutations, under this chapter; but he shall not be allowed to commute for the days he is assessed. Excess of work by overseer, how paid for.

(1202.) SEC. 11. If any person chosen to the office of overseer of highways shall refuse to serve, or if his office shall become vacant, the commissioners of highways shall, by warrant under their hands, appoint some other person in his stead; and the overseers so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties, as overseers chosen in township meetings. When commissioners to appoint overseer, etc.

(1203.) SEC. 12. The commissioners of highways, making such appointment, shall cause such warrant to be filed in the office of the township clerk, who shall forthwith give notice thereof to the person appointed, which person shall give written notice of his acceptance to such clerk, within ten days after receiving notice of his appointment. Warrant to be filed, notice to be given, etc.

(1204.) SEC. 13. Every overseer of highways who shall refuse or neglect to perform any of the duties required of him by law, or which may be lawfully enjoined on him by the commissioners of highways of his township, and for the omission of which a penalty is not hereinafter provided, shall, for any such neglect or refusal, forfeit the sum of ten dollars. Penalty for neglect, etc., by overseer.

(1205.) SEC. 14. It shall be the duty of the commissioners of highways of each township, whenever any person resident in their township shall make complaint that any overseer of highways in such township has refused or neglected to perform any of the When commissioners to prosecute for penalty.

¹ As amended by Act 51 of 1843. Laws of 1843, p. 49.

When overseer
liable.

duties required of him by law, or shall give or offer to such commissioners sufficient security to indemnify them against the costs which may be incurred in prosecuting for the penalty annexed to such refusal or neglect, forthwith to prosecute such overseer in the name of the people of this State, for the recovery of such penalty. If any overseer of highways shall neglect or refuse to warn the residents in his district, liable to do work on the highways, to do such work as the law requires and his warrant directs, such overseer shall be liable to pay for all the work not so done or commuted for, at the rate of sixty-two and a half cents per day; and it shall be the duty of the commissioners of highways in each township to prosecute any overseer, who may so neglect or refuse to do his duty, before any justice of the peace, or any other court of competent jurisdiction, and collect of him what he may be liable to pay under the provisions of this act, unless such overseer shall show satisfactory cause to such justice of the peace, or such court, why he should not pay the same: *Provided*, That in all cases where judgment shall be recovered against any such overseer, under the provisions of this section, such overseer shall not be further liable to an action for the penalty incurred by such neglect or refusal.¹

An Act to authorize the perfecting of the records of public highways, and for other purposes.

[Approved March 28, 1849. Laws of 1849, p. 176.]

Defective high-
way records to
be transcribed
by township
clerk.

(1206.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the clerk of any township where the records of highways, filed and recorded prior to the first day of January, eighteen hundred and forty-seven, may be found defective, may and he is hereby authorized to transcribe the legal survey bill of every such road, having thereon the signature of the surveyor who made the survey, and the names of the highway commissioners of the township for the time being, or a majority of them.

How clerk to
transcribe the
same.

(1207.) SEC. 2. The clerk in transcribing, where characters, initials, signs, and figures are used in the survey bills herein required to be transcribed, shall write the same in words at full length; but the names of the highway commissioners, where there is no order establishing the survey as a public highway, shall be omitted.

(1208.) SEC. 3. Where the clerk of any township shall have

¹ As amended by Act 69 of 1848. Laws of 1848, p. 71.

transcribed the survey bills of his township, according to the provisions of the preceding sections of this act, it shall be his duty to give notice thereof to the commissioners of highways of his township, and it shall be the duty of said commissioners, or a majority of them, within ten days after the receipt of such notice, to meet at the office of such township clerk.

When transcribed, commissioners to meet at office of township clerk.

(1209.) SEC. 4. When so met, it shall be the duty of said commissioners, and they are hereby authorized, to affix their order and determination establishing as public highways so many roads as there are survey bills transcribed according to the provisions of this act, or so many thereof as, in their opinion, the public interest may require: *Provided*, That nothing herein shall be construed as authorizing the commissioners of highways to establish by their order, or in any manner to affect the record of any road, except such as was surveyed, opened, and traveled as late as January first, eighteen hundred and forty-nine.

Commissioners to establish as highways such of the roads as the public interest may require.

(1210.) SEC. 5. The said commissioners, after having made their order upon the corrected copies of the survey bills, as prescribed in the last preceding section of this act, shall deliver the same to the township clerk, whose duty it shall be to cause the same to be filed and recorded as provided in chapter twenty-five, section one, of the Revised Statutes of eighteen hundred and forty-six.

Determination of commissioners to be recorded.

(1211.) SEC. 6. The corrected copy of the survey bill of any township road, filed and recorded in pursuance of the provisions of the last preceding section, shall be denominated the corrected record of highways of said township, and as such shall be deemed of the same force and effect that they would have had in law had they been made perfect at the time the surveys were taken.

Effect of corrected record.

SEC. 7. This act shall be in force from and after its passage.

An Act relative to the streets of recorded but unincorporated village plats.

[Approved March 6, 1844. Laws of 1844, p. 28.]

(1212.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That such streets of recorded but unincorporated village plats, as the commissioners of highways shall deem to be required for public highways, shall be included in the several road districts of the respective townships in which they are situated, and shall be subject to the care and superintendence of the commissioners and overseers of highways relative to repairs, and in like manner as other highways are now by law provided for.

Streets on plats of unincorporated villages, to be under care of overseers of highways.

16 Barb. S. C. R. 251.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act relative to State roads.

[Approved March 23, 1836. Laws of 1836, p. 102.]

State roads to be
in charge of
commissioners
of highways.
15 Mich. 847.

(1213.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all State roads which are now or hereafter may be laid out in this State, shall be under the care of the commissioners of highways of the several townships through which the same shall pass, and subject to be by them opened and kept in repair, in the same manner as township roads may be by them opened and kept in repair.

An Act to provide for the opening and improvement of roads on the line between adjoining townships.

[Approved March 19, 1863. Laws of 1863, p. 292.]

Proceedings on
the opening of
roads.

(1214.) SECTION 1. *The People of the State of Michigan enact,* That whenever a road shall have been laid out and established on the line between adjoining townships, upon the petition of twelve freeholders of either township, the commissioners of highways of the respective township shall meet upon the line of such road and make an examination into the condition of the same, and if, in their opinion, or a majority of them, the public good require the opening of such road, or the improvement of the same, and that the highway labor assessed thereon is insufficient to open such road or make such improvement, they shall proceed to let contracts for the opening and improvement of such road, and when such contracts are completed and accepted, give orders upon the treasurer of the township to which such road or part of road belonged, payable out of any money raised or to be raised for that purpose, and notify the supervisors of said township or townships of the amount of such order; and it shall be the duty of the supervisor to assess the same upon the taxable property of the township in the same manner as other township taxes are assessed and collected: *Provided,* Such contract shall not exceed fifty dollars in any one year on any one road in such township.

Contracts to be
let.

How paid.

Amount to be
assessed.

SEC. 2. This act shall take immediate effect.

An Act relative to the discontinuing of State roads by the commissioners of highways.

[Approved March 20, 1867. Laws of 1867, p. 99.]

Whereas, Commissioners of highways of some of the townships of this State have, under a misapprehension and without any lawful authority, assumed or pretended to discontinue certain State roads, which could only be discontinued by the Legislature, State Board of Control, or the board of supervisors of the proper county; therefore

(1215.) SECTION 1. *The People of the State of Michigan enact*, That no commissioners of highways of any townships of this State shall hereafter attempt to discontinue any State road, or presume to exercise any such power over any such road.

Preamble.
Assumption of power by commissioners.

CHAPTER XXIV.

PERSONS LIABLE TO WORK ON HIGHWAYS, AND MAKING ASSESSMENTS THEREFOR.

Chapter twenty-three of Revised Statutes of 1846.

(1216.) SECTION 1. Every person owning or occupying land in the township in which he resides, and every male inhabitant above the age of twenty-one and under fifty years, except as hereinafter provided, residing in the township where the assessment is made, shall be assessed to work on the highways in such township; and the lands of non-residents, situated in such township, shall be assessed for highway labor as hereinafter directed.

N. Y. Rev. Stat.
Art. 2, Title 1,
Chap. 16, Part 1.
Persons liable to
be assessed.

(1217.) SEC. 2. The commissioners of highways of the several townships shall meet at the office of the supervisor, on the first Thursday after the third Monday of May in each year, for the purpose of assessing a highway tax, and they shall have free access

Assessment of
highway tax.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act relative to State roads.

[Approved March 22, 1836. Laws of 1836, p. 102.]

State roads to be
in charge of
commissioners
of highways.
15 Mich. 247.

(1213.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all State roads which are now or hereafter may be laid out in this State, shall be under the care of the commissioners of highways of the several townships through which the same shall pass, and subject to be by them opened and kept in repair, in the same manner as township roads may be by them opened and kept in repair.

An Act to provide for the opening and improvement of roads on the line between adjoining townships.

[Approved March 12, 1863. Laws of 1863, p. 222.]

Proceedings on
the opening of
roads.

(1214.) SECTION 1. *The People of the State of Michigan enact*, That whenever a road shall have been laid out and established on the line between adjoining townships, upon the petition of twelve freeholders of either township, the commissioners of highways of the respective township shall meet upon the line of such road and make an examination into the condition of the same, and if, in their opinion, or a majority of them, the public good require the opening of such road, or the improvement of the same, and that the highway labor assessed thereon is insufficient to open such road or make such improvement, they shall proceed to let contracts for the opening and improvement of such road, and when such contracts are completed and accepted, give orders upon the treasurer of the township to which such road or part of road belonged, payable out of any money raised or to be raised for that purpose, and notify the supervisors of said township or townships of the amount of such order; and it shall be the duty of the supervisor to assess the same upon the taxable property of the township in the same manner as other township taxes are assessed and collected: *Provided*, Such contract shall not exceed fifty dollars in any one year on any one road in such township.

Contracts to be
let.

How paid.

Amount to be
assessed.

SEC. 2. This act shall take immediate effect.

An Act relative to the discontinuing of State roads by the commissioners of highways.

[Approved March 20, 1867. Laws of 1867, p. 89.]

Whereas, Commissioners of highways of some of the townships of this State have, under a misapprehension and without any lawful authority, assumed or pretended to discontinue certain State roads, which could only be discontinued by the Legislature, State Board of Control, or the board of supervisors of the proper county; therefore

Preamble.

(1215.) SECTION 1. *The People of the State of Michigan enact*, That no commissioners of highways of any townships of this State shall hereafter attempt to discontinue any State road, or presume to exercise any such power over any such road.

Assumption of power by commissioners.

CHAPTER XXIV.

PERSONS LIABLE TO WORK ON HIGHWAYS, AND MAKING ASSESSMENTS THEREFOR.

Chapter twenty-three of Revised Statutes of 1846.

(1216.) SECTION 1. Every person owning or occupying land in the township in which he resides, and every male inhabitant above the age of twenty-one and under fifty years, except as hereinafter provided, residing in the township where the assessment is made, shall be assessed to work on the highways in such township; and the lands of non-residents, situated in such township, shall be assessed for highway labor as hereinafter directed.

N. Y. Rev. Stat.
Art. 2, Title 1,
Chap. 16, Part 1.
Persons liable to
be assessed.

(1217.) SEC. 2. The commissioners of highways of the several townships shall meet at the office of the supervisor, on the first Thursday after the third Monday of May in each year, for the purpose of assessing a highway tax, and they shall have free access

Assessment of
highway tax.

to the assessment roll until they shall have completed their assessment.¹

List to be furnished by overseers.

(1218.) SEC. 3. Each of the overseers of highways shall, within sixteen days after his election or appointment, deliver to the township clerk a list, subscribed by him, of the names of all the inhabitants in his road district who are liable to work on the highways.

Statement and description of property.

(1219.) SEC. 4. The commissioners of highways in each township shall make out from the assessment roll a separate list and statement of the valuation of all the taxable personal property and a description of all lots or parcels of land within each road district in such township, inserting in a separate part of such list descriptions of lands owned by non-residents of the township, with the value of each lot or parcel set down opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

Highway labor; how and by whom estimated

(1220.) SEC. 5. In making the estimate and assessment of highway labor the commissioners shall proceed as follows:

Who to be assessed.

First. Every male inhabitant in each road district being above the age of twenty-one and under the age of fifty—except pensioners of the United States and other soldiers and sailors honorably discharged, who are disabled from performing manual labor by reason of wounds received or disease contracted while in the service of the United States, paupers, idiots, and lunatics—shall be assessed one day;

Residue of highway labor; how apportioned.

Second. The residue of the highway labor to be assessed, not exceeding one day's work upon one hundred dollars of the valuation, shall be apportioned upon the estate real and personal of every inhabitant in each of the road districts in such township, and upon each tract or parcel of land in the respective road districts of which the owners are non-residents, as the same shall appear by the assessment roll;

Commissioners; duties of.

Third. The commissioners shall affix to the name of each person named in the lists furnished by the overseers and not assessed upon the assessment roll, and also to each valuation of property within the several road districts, the number of days which such person or property shall be assessed for highway labor, adding one day to

To fix number of days persons and property shall be assessed.

¹As amended by Act 185 of the Laws of 1863, p. 196, approved March 18, 1863. Immediate effect.

the assessment of each person liable to a poll tax and assessed upon the township assessment roll.¹

(1221.) SEC. 6. The clerk of the board of commissioners shall, under their direction, make duplicates of the several lists, which shall be subscribed by the commissioners, one of which lists for each road district shall be filed by such clerk in his office, and the other shall be forthwith delivered to the overseer of highways of the district in which the highway labor therein specified is assessed.

Clerk to make duplicates.

(1222.) SEC. 7. The names of persons left out of any such list, and who ought to have been included therein, and of new inhabitants who have not in the same year been assessed in some other place for highway labor, shall be, from time to time, added to the several lists, and rated by the overseers in proportion to their taxable real and personal property, as others are rated on such lists by the commissioners, to work on the highways, subject to an appeal to the commissioners.

Names of persons omitted.

(1223.) SEC. 8. It shall be the duty of the commissioners of highways of each township to credit such persons as live on private roads and work the same, so much upon their assessment on account of such work, as such commissioners may deem necessary to improve and keep such private roads in repair; or they may annex any such private road to some highway district.

Credit to persons working private roads.

(1224.) SEC. 9. Whenever the occupant of any land not owned by him, shall be assessed therefor by the commissioners, they shall distinguish in their assessment list the amount charged upon such land from the personal tax, if any, of such occupant; but when any such land shall be assessed in the name of the occupant, the owner thereof shall not be assessed, during the same year, to work on the highways on account of such land.

Certain assessments to be made separate.

(1225.) SEC. 10. Whenever any tenant of any land for a less term than twenty-five years, shall be assessed to work on the highways on account of such land, pursuant to the last section, and shall actually perform such work, or commute therefor, he shall be entitled to a deduction from the rent due or to become due from him for such land, equal to the full amount of such assessment, or he may recover the same of his landlord in an action for money paid for his benefit, estimating the same at so much as is or shall be prescribed by law for commutation per day for highway labor, unless otherwise provided by agreement between such tenant and his landlord.

When assessment may be deducted from rent.

¹ As amended by Act 31 of the Laws of 1871, p. 32, approved March 10, 1871.

CHAPTER XXV.

THE DUTIES OF OVERSEERS IN REGARD TO THE PERFORMANCE OF LABOR ON HIGHWAYS; THE PERFORMANCE OF SUCH LABOR OR THE COMMUTATION THEREFOR, AND APPLI- CATION OF MONEYS BY THE COMMISSIONERS.

N. Y. R. S. Art.
8, Title 1, Chap.
16, Part 1.
Notice to per-
sons assessed.

Chapter twenty-four of the Revised Statutes of 1846.

(1226.) SECTION 1. It shall be the duty of the overseers of highways to give at least twenty-four hours' notice to all persons assessed to work on the highways in their respective districts, and residing in their townships, of the time and place when and where they are to appear for that purpose, and with what implements.

When agent of
non-resident to
be notified.

(1227.) SEC. 2. It shall be the duty of the several overseers of highways to notify the agent of every non-resident owner of lands within their respective-districts, if they shall know that any such agent resides within the township, of the number of days assessed upon the lands of such non-resident, and of the time when and place where the labor is to be performed; which notice shall be given at least five days previous to the time appointed.

Commutation
for work, etc.

(1228.) SEC. 3. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed; but every such person, other than an overseer, whether resident or non-resident, may elect to commute for the same or any part thereof, at the rate of one dollar for each day, in which case such commutation money shall be paid to the overseer of highway of the district in which the labor is required to be performed, and shall be applied and expended by such overseer in the purchase of implements, or construction and repair of the roads and bridges in

the same district, except when said taxes are otherwise appropriated or disposed of by law.¹

(1229.) SEC. 4. Every person intending to commute as aforesaid shall, within twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him, and the computation shall not be considered as complete until such money be paid. When commutation to be paid.

(1230.) SEC. 5. Every overseer of highways shall have power to require a cart, wagon, plough, or scraper, with a yoke of oxen or span of horses, and a man to manage them, to be furnished by any person having the same within his district, who shall have been assessed and shall be liable for three days or more; and the person furnishing a man and team, with a cart, wagon, plough, or scraper, upon such requisition, shall be entitled to a credit of three days for each day's service therewith. Overseer may require cart, etc., to be furnished.

(1231.) SEC. 6. Every person assessed to work on the highways, and warned to work thereon, may appear and work in person, or by a substitute; and the person so appearing shall actually work eight hours in each day. Work by substitute.

(1232.) SEC. 7. If any person assessed, or his substitute, shall, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall, for each offense, pay the sum of one dollar. Forfeiture for idleness, etc.

(1233.) SEC. 8. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect, without good cause, to appear as above provided, shall, for every day's refusal, pay the sum of one dollar; and if he was lawfully required to furnish a team, carriage, man or implements, and shall refuse or neglect, without good cause, to comply, he shall pay as follows: Liability for refusing to work, etc.

First. For wholly refusing to comply with such requisition, three dollars and fifty cents for each day;

Second. For omitting to furnish a cart, wagon, plow, or scraper, one dollar and twenty-five cents for each day;

Third. For omitting to furnish a yoke of oxen or span of horses, one dollar and twenty-five cents for each day;

Fourth. For omitting to furnish a man to manage the same, one dollar and twenty-five cents for each day.

(1234.) SEC. 9. Every overseer of highways may, within six days after any person shall become liable for the payment of any sum Certified complaint of overseer.

¹As amended by "An act to amend sections three and sixteen of chapter twenty-four, title six, of the Revised Statutes of 1846, so as to increase the rate of commutation for labor assessed on the highways," approved Feb. 8, 1857. Laws of 1857, p. 45.

- of money under the provisions of the last three preceding sections unless a satisfactory excuse be rendered to him by the person so liable, make complaint in writing, and on oath to some justice of the peace of the township, stating the default, neglect, refusal or other cause, by reason of which such person became so liable.¹
- Contents.** (1235.) SEC. 10. The justice to whom such complaint shall be made shall forthwith issue a summons directed to any constable of the county, requiring him to summon the person against whom the complaint shall have been made, to appear forthwith before such justice, at some place to be specified in the summons, to show cause why a judgment should not be rendered against him according to law for the cause mentioned in the complaint; which summons shall be served personally.
- Proceedings on complaint.** (1236.) SEC. 11. On the return of such summons, or within such reasonable time thereafter as the justice shall allow, if no sufficient cause shall be shown to the contrary, the justice shall render a judgment in favor of the people of this State against such person, for the sum which such person shall have become liable to pay on account of the default, neglect, or other delinquency mentioned in the complaint, with the costs of prosecution; and shall forthwith issue an execution under his hand, directed to any constable of the county, commanding him to levy the amount of such judgment, including the costs of the proceedings, of the goods and chattels of such defendant.
- Judgment and execution.** (1237.) SEC. 12. The constable to whom such execution shall be delivered shall forthwith proceed to collect the moneys therein mentioned, by distress and sale of the goods and chattels of the defendant therein named, giving at least ten days' notice of the time and place of sale; and he shall pay such moneys, when collected, to the justice who issued the execution, who shall pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in his district.
- Proceedings on execution.** (1238.) SEC. 13. Every sum of money collected for a refusal or neglect to appear and work on the highways shall be set off against the assessment upon which it was founded, estimating every one dollar and twenty-five cents collected, exclusive of the costs of the proceedings as a satisfaction for one day's work.
- Moneys collected to be set off against assessment.** (1239.) SEC. 14. The acceptance by an overseer of an excuse for a refusal or neglect, shall not in any case exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year.
- Excuse, effect of.**

¹ As amended by Act 199 of the Laws of 1967, p. 274, approved March 27, 1967.

(1240.) SEC. 15. Every overseer of highways shall, between the first and fifteenth days of November in each year, when required by a commissioner of highways, make out and deliver to such commissioner a list of all the lands of non-residents and of persons unknown which are taxed upon his list, on which the labor assessed has not been paid, and the amount of labor unpaid; also a list of all lands and personal property assessed as resident, upon which the owner or occupant shall have refused or neglected to work on the highway after being duly notified by the overseer; and said overseer shall make and subscribe an affidavit thereon before some person competent to administer oaths, or before a commissioner of highways, that he has given such notice as is required by law, and that the labor assessed upon the lands and personal property so returned has not been performed and remains unpaid.¹

Overseer to make list of non-resident lands when assessed labor is unpaid.

Also list of resident lands and property.

Affidavit of overseer.

(1241.) SEC. 16. The supervisor of each township shall cause the amount of such arrearages of labor, estimating the same at one dollar for each day, to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the township are collected; and the same, when collected, shall be paid into the township treasury to be applied by the commissioners of highways in the construction and improvement of roads and bridges in the road district for the benefit of which the labor was originally assessed, except when said taxes are otherwise appropriated or disposed of by law.²

Supervisor to cause delinquent taxes to be collected, etc.

(1242.) SEC. 17. Every overseer of highways shall, between the first and fifteenth days of November, render to the commissioners of highways an account, in writing, verified by his oath, to be administered by a commissioner of highways, or some other person competent to administer such oaths, and containing—

Overseer's account to commissioners.

First. The names of all persons assessed to work on the highways in his district;

Contents.

Second. The names of all those who have actually worked on the highways, with the number of days they have so worked;

Third. The names of all those against whom judgments have been recovered by virtue of this chapter, and the sums so recovered;

Fourth. The names of all those who have commuted and the amounts paid by them, and the manner in which the moneys arising from judgments and commutations have been expended by him.

¹ As amended by Act 71 of the Laws of 1869, p. 117, approved and took effect March 30, 1869.

² As amended by act of February 8, 1837. See note to section 1228.

Fifth A list of all the non-resident lands in his district, upon which labor has been performed or commuted for.¹

Overseers to pay over moneys in their hands, etc.

(1243.) SEC. 18. Every such overseer shall, immediately upon the rendering of such account, pay over to the township treasurer all moneys collected by him for judgments and commutations, and remaining unexpended, to be applied by the commissioners in the construction and improvement of roads and bridges in the road district of the overseer who paid over the same.

When township treasurer to sue for moneys, etc.

(1244.) SEC. 19. If any overseer shall neglect or refuse to pay over any moneys remaining unexpended in his hands, as required by the preceding section, it shall be the duty of the township treasurer forthwith to sue for the same in his name of office, in an action for money had and received to the use of such treasurer, which moneys, when collected, shall be applied as provided in the preceding section.

Highway moneys; how drawn

(1245.) SEC. 20. No money shall be drawn by the commissioners of highways from the township treasury, in payment of any labor, contract, or materials furnished, except by an order signed by a majority of them, and accompanied by their certificate that the labor has been actually performed, or the contract fulfilled, or materials furnished, for which the amount of such warrant is to apply in payment.

1841, p. 159, Sec. 6.

Letting of contracts for repairs etc.

(1246.) SEC. 21. Whenever the commissioners of highways shall determine to appropriate any portion over ten dollars of the moneys accruing to their township on account of non-resident highway taxes, in the repairing or construction of roads or bridges therein, they shall contract at public auction with the lowest bidder giving good and sufficient security for the performance thereof; and not less than ten days' notice shall be given by said commissioners, of the time and place of letting such contracts, by posting up such notice in at least three of the most public places in their township.²

1841, p. 159, Sec. 6.

Returns of overseers of highways; commissioner to procure

(1247.) SEC. 22. The commissioner of highways whose term of office will soonest expire shall, between the first and fifteenth of November in each year, call upon each overseer of highways of his township for the purpose of procuring the returns mentioned in sections fifteen and seventeen of this chapter, and shall deposit the returns mentioned in section fifteen of this chapter with the supervisor of his township, whose duty it shall be to enter the value of such delinquent highway tax so returned, on the assessment roll of

To be deposited with supervisor.

Supervisor to enter on assessment roll.

¹ See note to section 15; also, the act of March 6, 1849, next following.

² As amended by Act 206 of 1843, p. 318, section 2.

his township, under its appropriate heading, and against the description of property so delinquent.¹

(1248.) SEC. 23. It shall be the duty of the Auditor General, at the time of transmitting blanks for the use of supervisors in making out their assessments, to transmit blanks with proper headings, for the use of the commissioners of highways in making lists of highway taxes; also, blanks for the proper return of overseers, mentioned in sections fifteen and seventeen of this chapter.²

(1249.) SEC. 24. It shall be the duty of the Secretary of State to cause a sufficient number of copies of this act to be published, to furnish at least one copy to each township clerk in the State, and to send a copy to each township clerk by the first day of April, eighteen hundred and sixty-nine.³

An Act to amend chapter twenty-four of the Revised Statutes of one thousand eight hundred and forty-six.

[Approved March 6, 1849. Laws of 1849, p. 61.]

(1250.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any commissioner of highways be and is hereby authorized to administer the oath required by section seventeen of chapter twenty-four of the Revised Statutes of one thousand eight hundred and forty-six.

An Act to authorize supervisors and highway commissioners to purchase Nathaniel Potter's machine for improving roads.

[Approved February 15, 1859. Laws of 1859, p. 1556.]

(1251.) SECTION 1. *The People of the State of Michigan enact,* That the supervisors and highway commissioners of each organized township be and they are hereby authorized, in their discretion, to purchase, at the expense and for the use of their township, one of Nathaniel Potter's rut-scrapers, or machine for improving roads, together with the right to make and use the same in said township.

SEC. 2. This act shall take immediate effect.

¹ As amended by Act 88 of the Laws of 1871, p. 34.

² These sections added by Act 71 of the Laws of 1869, p. 117, approved and took effect March 20, 1869.

CHAPTER XXVI.

LAYING OUT, ALTERING, AND DISCONTINUING
PUBLIC ROADS.

An Act relative to laying out, altering, and discontinuing highways.

[Approved and took effect March 15, 1861. Laws of 1861, p. 256.]

Relative to lay-
ing out, etc., in
townships.

(1252.) SECTION 1. *The People of the State of Michigan enact,* That whenever any seven or more freeholders of any township shall wish to have a highway in any part of said township, not included within the corporate limits of any city or village, laid out, altered, or discontinued, they may, by writing, under their hands, make application to the commissioner of highways of the township for that purpose, who shall thereupon proceed to determine and act upon such application, and lay out, alter, or discontinue such highway, or any part thereof, as hereinafter provided; and whenever any five or more freeholders of each of any adjoining municipal corporations, other than adjoining townships, shall wish to have a highway or any boundary line between such corporations laid out, altered, or discontinued, they may, in like manner, make application for that purpose to the corporate authorities of either of such municipal corporations having by law jurisdiction of matters pertaining to laying out, altering, or discontinuing highways; and upon such application being made, the officers to whom it was presented shall immediately notify the like officers of the other corporations interested, of the time and place when and where they will meet such officers to consider, determine, and act upon such application, which time shall not be more than ten days from the time of the presentation of such application; and such several corporate authorities shall thereupon proceed jointly to consider, determine, and act upon such application as hereinafter directed;

Relative to lay-
ing out, etc. on
line between
cities and vil-
lages.

and the damages which shall be assessed in any case last above provided for, together with the costs and expenses of the proceedings, shall be paid by each of the municipal corporations on the line between which such highway is located, in proportion to the benefit to be derived therefrom by such corporations, and the same shall be levied and collected in the same manner as other general expenses of such corporation. The provisions of this act shall extend to counties, and the boards of supervisors thereof are hereby empowered to make such rules and regulations as may be necessary to carry out those provisions of this act applicable to county-line roads: *Provided*, That no highway, which shall have been in use as such for an uninterrupted period of ten years, shall be discontinued except upon the unanimous vote of all the officers or authorities present at such meeting, approved in the case of township roads by the township board or boards: *Provided*, That no such highway shall be laid out through any orchard which had been set out for the period of five years or more, without the consent of the owner thereof: *And provided further*, That no second application shall be made within twelve months, or a third application within two years, for that purpose, unless twice the number of freeholders above mentioned, living upon the line of such highway, shall sign such application.¹

(1253.) SEC. 2. Whenever the commissioners of highways shall be applied to, as mentioned in the preceding section, to lay out, alter, or discontinue any highway, they shall, within five days thereafter, issue a written notice, stating the object of such application, and appointing a time and place of meeting of the board of commissioners of highways, which shall be served by said commissioners, or one of them, on the owners or occupants of lands through which it is proposed to lay out, alter, or discontinue such road, either personally or by a copy left at the residence of said owner or occupant, at least ten days before the time of said meeting; and if no person shall reside upon such lands, and the owner thereof shall not reside in the township, no other service of said notice shall be required than by posting up the same in three public places in the township ten days before the time of meeting.²

(1254.) SEC. 3. The commissioners shall meet at the time appointed, as provided in the last preceding section, and proceed to view the premises described in said application and notice, and ascertain and determine the necessity of laying out and altering

Damages and expenses.

Provisions to extend to counties.

Provide.

Second proviso.

Third proviso.

Highway commissioners: duties of.

To issue notice of meeting.

To serve notice.

Proceedings of, when owner is non-resident.

Duty of commissioners.

¹ As amended by Act 165 of the Laws of 1871, p. 818, approved April 17, 1871.

² As amended by Act 11 of the Laws of 1871, p. 14, approved February 15, 1871.

- or discontinuing such highway, and justly and impartially appraise the damage thereon, if any is claimed, and shall, within five days thereafter, make a return of their doings, in writing, signed by them, which return shall state their action in regard to such application, and their award of damages, if any, and to whom payable, if known; and such return shall be filed in the office of the township clerk, with the application for such highway and copy of notice attached thereto: *Provided*, That they may adjourn from time to time, in their discretion, not to exceed twenty days from the time of first meeting, and shall make their returns to the township clerk within five days from the time of last meeting.¹
- Award of damages.** (1255.) SEC. 4. Upon laying out, altering, or discontinuing a highway on the line between adjoining townships, or upon determining what part of such highway shall be made and repaired by each township, the commissioners of such adjoining townships shall act jointly; and application may be made to the commissioners of either township, who shall notify the commissioners of the adjoining township of the time and place of meeting; and said commissioners of adjoining townships shall proceed as before provided, and their return shall be filed in the office of the township clerk of each township, and each township shall have all the rights, and be subject to all the liabilities, in relation to the part of such highway to be made and repaired by such township, as if the same was located wholly in such township.
- Proceedings as to road on township line.** (1256.) SEC. 5. Public roads to be laid out according to the provisions of this act, shall not be less than four rods wide, except in cities or villages, where the commissioners, or other proper authorities, may otherwise determine. Private roads shall not be less than one rod in width; and upon application of any person or persons wishing the same, the commissioners, or other proper authorities, shall have power to lay out, alter, or discontinue such roads, according to the provisions of this act, except section one hereof: *And provided*, That all the expenses and damages arising therefrom shall be paid by the person or persons making application therefor.
- Private roads.**
- Proviso.**
- Things to be considered in the estimate of damages.** (1257.) SEC. 6. If any discontinued highway shall be upon a tract of land through which a new highway shall be laid out, the same may be taken into consideration in estimating the damages sustained by the owners; and, in like manner, the benefits accruing to owners of lands by reason of laying out or altering any highway, shall be taken into consideration.

¹ As amended by Act 128 of the Laws of 1867, p. 171, approved March 27, 1867.

(1258.) SEC. 7. All highways heretofore regularly laid out and established in pursuance of existing laws, are hereby declared to be legal highways, subject to alteration or discontinuance the same as other highways; and the commissioners shall have power to lay out and establish highways on section lines, through unenclosed lands, according to the provisions of this act, without the application therefor provided in section one of this act.

Existing highways legalized.

(1259.) SEC. 8. Whenever a highway shall be laid out or altered, the commissioners shall, if they shall deem the same necessary, cause an accurate survey to be made of the line of said road, and shall file the minutes of such survey in the office of the township clerk of the township in which such road is situated; and the premises belonging to any highway shall be a parcel of land not less than two rods wide on each side of the line of said survey, or each side of any section line on which any highway shall be established.

Line of survey to be the center of road.

(1260.) SEC. 9. It shall be the duty of the township clerk to record, in a book to be kept by him for that purpose, all papers filed in his office relating to laying out, altering, or discontinuing roads, as provided in this act.

Record to be kept by township clerk.

(1261.) SEC. 10. Whenever any owner or owners of land shall give the same, or any part thereof, to the township, for highway purposes, such owner or owners shall make a statement, in writing, signed by him or them to that effect, and the same shall be filed in the office of the township clerk; and if a road shall be opened and worked thereon, within four years thereafter, the person or persons signing such statement, or those claiming under him or them, shall be precluded from having any action to recover possession of said land or compensation therefor, so long as the same shall be used for highway purposes.

Gifts for highway purposes; how made.

Effect.

(1262.) SEC. 11. Any person who shall conceive himself aggrieved by any determination of the commissioners as to the necessity of laying out, altering, or discontinuing such highways, or in their award of damages, may, within ten days after such determination, appeal therefrom to the township board of said township, or in case of a road on the line of townships, where the determination shall have been made by the commissioners of adjoining townships, to the township boards of such adjoining townships: *Provided*, That any commissioner who may be a member of the township board shall not act on such appeal.

Appeals to township board.

Provido.

(1263.) SEC. 12. Every such appeal shall be in writing, signed by the appellant, and addressed to the township board or boards,

Proceedings on appeals.

as the case may be, and filed with the township clerk, who shall, as soon as may be, after the time limited for taking appeals shall have expired, call a meeting of the township board or boards, ten days' notice of which shall be given by said township clerk to the appellant and one or more of said commissioners from whose determination the appeal was taken. Such notice shall be in writing, and shall state the time and place of meeting, and a copy shall be delivered to said appellant and commissioner, or left at their respective places of residence.

Hearing proof
and allegations.

(1264.) SEC. 13. The said township board or boards shall proceed, at the time and place specified in the notice, to hear the proofs and allegations of the parties in respect to the necessity of laying out, altering, or discontinuing such highway, or the award of damages, and their decision shall be conclusive and final. Such decision shall be reduced to writing, and signed by the board or boards making the same, and filed in the office of the township clerk: *Provided*, That if the decision, appraisal, and award of the commissioner from which the appeal is taken, be confirmed, or if the award of damages shall be diminished, then in either case the appellant shall pay the whole amount of costs of such appeal, said costs to be ascertained and determined by said board or boards and deducted from the amount of damages awarded.¹

Decision final.
Shall be in writ-
ing.

Costs.

Proceedings in
cities and vil-
lages.

(1265.) SEC. 14. In cities and villages application may be made by ten freeholders, as provided in section one of this act, to the corporate authorities of such city or village, and such corporate authorities shall have power, upon such application, to lay out and establish, open, alter, or discontinue such streets, commons, lanes, alleys, sidewalks, highways, water-courses, and bridges, as may be necessary for the public convenience; and such corporate authorities shall be governed by the regulations that are required in this act to be observed by the commissioners of highways and township clerk, except as to appeal; and the city or village clerk or recorder shall discharge the like duties as are imposed upon the township clerk by the provisions of this act: *Provided*, That this act shall not be construed to change the manner of opening such roads, streets, alleys, lanes, commons, highways, bridges, or water-courses, as now provided for in the charter of any incorporated city or village.

Proviso.

Damages; how
assessed and
collected.

(1266.) SEC. 15. The damage or compensation awarded by the commissioners of highways, township board, or city or village authorities, shall be assessed, levied, and collected upon the taxable

¹ As amended by Act 805 of the Laws of 1845, p. 674, approved March 21, 1845.

property of such township, city, or village, in the same manner as other taxes are levied and collected.

(1267.) SEC. 16. When the damage or compensation aforesaid shall have been paid or tendered to the persons entitled thereto, or an order on the treasurer of the proper township, city, or village, for the amount of such damages, shall have been executed and delivered or tendered to such person or persons, said commissioners of highways of any township, village or city authorities of any city or village, shall then give notice to the owner or occupant of the land through which any such highway, street, lane, alley, or common shall have been laid out, altered, or established, and require him, within such time as they shall deem reasonable, not less than sixty days after giving such notice, to remove his fence or fences; and in case such owner or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said commissioners, or city or village authorities, shall have full power, and it shall be their duty, to enter, with such aid and assistance as shall be necessary, upon the premises, and remove such fence or fences, and open such highway, street, lane, alley, or common without delay, after the time specified in such notice shall have expired: *Provided*, That in townships no person shall be required to remove his fence or fences between the first day of April and the first day of November.

(1268.) SEC. 17. Every public highway already laid out or hereafter to be laid out, no part of which shall have been opened and worked within four years after the time of its being so laid out, shall cease to be a road for any purpose whatever. And all public highways now in use and duly recorded, and all roads not recorded which have been used ten years or more, or which may hereafter be laid out and not recorded, and which shall have been used ten years or more, shall be deemed public highways, subject to be altered or discontinued, according to the provisions of this act.

(1269.) SEC. 18. It shall be the duty of the several commissioners of highways of the several townships to cause a statement to be presented at the annual township meeting of the improvements necessary to be made in the roads and bridges in such townships for the ensuing year, and an estimate of the probable expense thereof, beyond what the labor to be assessed for that year will accomplish; and such meeting may vote for the raising of a sum not exceeding one-half of one per cent upon the aggregate valuation of the property in the township, according to the assessment

Removal of fences; how effected.

Proviso.

When highways shall cease to be roads.

When highways are to be deemed legal highways.

Estimated expense for roads and bridges. presented at township meeting.

Tax may be voted.

roll of the preceding year; and the sum so voted shall be levied and collected in the same manner as other township expenses.

Act repealed.

(1270.) SEC. 19. Act number thirteen of the Session Laws of eighteen hundred and fifty-eight, relative to laying out, altering, and discontinuing highways, approved February third, eighteen hundred and fifty-eight, and all acts or parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 20. This act shall take immediate effect.

An Act to provide for laying out and establishing all State and Territorial roads heretofore laid out or to be hereafter located within this State.¹

[Approved May 16, 1846. Took effect June 15, 1846. Laws of 1846, p. 240.]

Powers of board of supervisors with respect to State roads.
15 Mich. 247.
20 Mich. 95.

(1271.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the several counties within this State are hereby authorized and empowered to cause to be laid out, established, altered, discontinued, or opened, all State and territorial roads heretofore or now laid out or hereafter to be laid through or within their respective counties, whenever they may deem it for the interest of the public.

When commissioners of highways to cause State roads to be surveyed and located; proceedings of supervisors thereon.
15 Mich. 247.
20 Mich. 95.

(1272.) SEC. 2. Whenever the board of supervisors of any county are petitioned to by at least twelve freeholders of each of the townships through which any such road or roads may pass, they shall, upon such petition, authorize the commissioners of highways of such townships to cause the line of said road or roads within their respective townships to be surveyed and located therein, and such commissioners shall report such survey and location to the board of supervisors of their county, and upon examination of said survey and report, said board may declare such road or roads duly laid out, established, discontinued, opened, or altered, as the case may be: *Provided*, That said board shall deem the laying out, establishing, altering, discontinuing, or opening said road or roads for the interest of the public.

Township clerk to be furnished with minutes.

(1273.) SEC. 3. Whenever said road or roads shall be surveyed, laid out, altered, or established, under the provisions of this act, it shall be the duty of the board of supervisors to whom such petition and report may have been made as aforesaid, to notify and require the commissioners of highways of the several townships through which said road or roads may pass, to furnish the several

¹ As amended by Act 72 of 1848, p. 74. For general provisions respecting Territorial roads, see Revision of 1827, p. 402; Laws of 1830, p. 7; Revision of 1833, pp. 173, 174; Laws of 1834, pp. 91, 92.

township clerks of such townships the minutes of all surveys within their respective townships, and the same shall be recorded by said clerks in the same manner that township roads are recorded.

(1274.) SEC. 4. Any person feeling himself aggrieved by the laying out, altering, discontinuing, or opening of any road or roads, may have his damages appraised, and obtain the same, in the same manner and under the restrictions made and provided relative to township roads. How appraised and obtained.

(1275.) SEC. 5. In laying out, discontinuing, establishing, altering, or opening any road under the provisions of this act, the counties through which said road or roads may pass shall be liable for all damages or expenses incurred, in the same manner as is provided for laying out township roads. Counties to be liable for damages and expenses.

An Act to define the powers and duties of highway commissioners, in certain cases.

[Approved April 5, 1869. *Laws of 1869, p. 325.*]

SECTION 1. *The People of the State of Michigan enact, That* section one of act number one hundred and sixty-eight of the Session Laws of eighteen hundred and sixty-nine, entitled "An act to define the powers and duties of highway commissioners, in certain cases," be and the same is hereby amended so as to read as follows: Section amended

(1276.) SECTION 1. That in any case where the Legislature has, or shall grant power to a board of special commissioners to lay out any road, and said commissioners shall not, for the term of one year or more after the time of such appointment, have laid out and proceeded to open said road, it shall be lawful for the highway commissioners of the townships of this State to proceed to lay out and open highways on any such grounds, in the same manner as if no special commissioners had been authorized: *Provided*, Proceedings when special commissioners fail to lay out road. That this act shall not affect or be construed to legalize in any manner any action or proceeding done or performed by the highway commissioners prior to the passage of the act of which this act is amendatory. Highway commissioners to lay out. Proviso.

(1277.) SEC. 2. It shall be lawful, and it is hereby made the duty of the highway commissioners in this State, to draw all orders on the township treasurer for any moneys that may become payable on account of any contract let, or any award made by them, in pursuance of the general highway laws. Highway commissioners to draw orders on town treasurer.

¹As amended by Act 50 of the Laws of 1871, p. 59, approved and took effect March 29, 1871.

An Act to provide for laying out and establishing highways on lines dividing this from other States.

[Approved March 15, 1861. Laws of 1861, p. 423.]

Duty of commissioners of highways to establish roads.

(1278.) SECTION 1. *The People of the State of Michigan enact,* That the commissioners of highways of any township of this State, lying along the line of any other State, shall, upon a petition of twelve or more freeholders, as is provided for in other cases for laying out highways in this State, have power and it shall be their duty to meet with any officer or officers of such adjoining States, entrusted with the power of laying out or discontinuing highways, as may be required on said State line, and shall have power to lay a highway of any width which, added to the width on the other side of such State line, shall make a highway which shall not exceed four rods nor be less than three rods in width, to be surveyed, examined, and recorded as other highways on lines between townships of this State.

An Act to authorize the cities, townships, and incorporated villages of the State of Michigan to aid in the construction and maintenance of wagon, gravel, cobble-stone, pounded stone, and plank roads.

[Laws of 1867, p. 118.]

Aid for the construction of roads.

(1279.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the several townships, cities, and incorporated villages of this State to aid in the construction and maintenance of any wagon, gravel, cobble-stone, pounded stone, or plank road or roads, leading to, from, or through any county, township, city, or incorporated village granting such aid, or to, from, into, or through any adjoining county, township, city, or incorporated village: *Provided,* Such aid, when granted by a city, township, or incorporated village, shall not exceed one per cent of the assessed value of the property therein, to any one road, in any one year, when such aid shall be raised by tax, or three per cent in the aggregate when raised by loan. The aid by this act authorized may be granted by issuing the bonds or other securities of such municipality, by borrowing money, or by levying taxes.

Proviso.

Limit when raised by tax.

By loan.

How granted.

Request of freeholders.

Contents of.

(1280.) SEC. 2. Whenever twenty or more freeholders of any city, township, or incorporated village shall make request in writing, addressed to the common council, township board, or village board of trustees, as the case may be, and present the same to the clerk thereof, therein specifying the kind of a road proposed to be constructed, the amount of aid to be granted by that city, township, or village, the manner of raising the amount, the mode

and terms of granting such aid, and terms of any bonds or other securities, if any, to be issued, together with such general description of the road, the construction of which it is proposed to aid, as will advise the people of that city, township, or village, of the route and termini thereof, it shall be the duty of such clerk to call a meeting of the electors of such municipality, by posting written or printed notices thereof in the same places as is required by law for annual township, city, or charter elections, as the case may be; and also to post with each of such notices a copy of the request upon which the meeting was called, and by causing such notice and request to be published in some newspaper published in such municipality, if any there be, and if not, then in some newspaper published in the county, if any there be, in which notice the day of the month for such meeting shall be named, and the hour of ten o'clock in the forenoon. On the day fixed for such meeting, the polls shall be opened at said hour, and be held and conducted as at annual city, township, or charter elections, until the hour of four o'clock in the afternoon, and the same officers shall act in receiving, canvassing, and certifying the votes given; and the result of the balloting at such meeting shall be certified, filed, and recorded, as is by law required in reference to the results of such annual elections, so far as is applicable. The question submitted to the meeting shall be the same as contained in the request and call for the meeting, and those who vote in the affirmative, shall vote a ballot on which is written or printed the words, "Aid for constructing road—Yes;" and those who vote in the negative shall vote a ballot on which is written or printed the words, "Aid for constructing road—No."

Notice of meeting.

Time of.

Hours for polls to be opened and closed.

The question.

Form of ballot.

(1281.) SEC. 3. Whenever it shall be determined by a majority of the qualified electors of any such township, city, or village, voting at any such meeting, to aid in the construction of a road, it shall be the duty of the supervisor and clerk of the township, the mayor and clerk of the city, and the president and clerk of the incorporated village, as the case may be, to execute bonds or other securities, to borrow money, according as shall have been stated in the request for such meeting; or in case a tax was voted to be levied, it shall be the duty of the proper officers of the township, city, or village to add such tax to the tax roll in due season for collecting the same in the year in which it was ordered to be levied, and as contemplated by said request and vote; and it shall also be the duty of the proper officers to issue such bonds or securities, to pay over moneys borrowed or levied and collected,

On decision of majority.

Bonds may be executed.

Tax levied.

How paid..

according to and in pursuance of the terms specified and contemplated by such written request and vote, and not otherwise.

Tax levied to
pay bonds and
interest.

(1282.) SEC. 4. The township board of any township, and the proper officers or board of any city or incorporated village, shall have power, and it shall be their duty, to raise by tax such sum or sums as shall be sufficient, from time to time, to pay principal and interest of any bonds or other obligations of the municipality, issued or created under the provisions of this act, as often as they come due: *Provided*, That no such bonds or other obligations shall be sold for less than par; and such bonds or other obligations shall bear such rate of interest, not exceeding ten per cent, as shall have been named in the request made for such aid.

Proviso.

Duty of clerk.

(1283.) SEC. 5. It shall be the duty of the clerk whose duty it is to post or cause to be posted and published the notices and copies of the request aforesaid, to make, or procure to be made, affidavits of such posting or publishing, and file the same, together with the original request for the meeting, in his office, and to record such request and affidavits in the proper records of such township, city, or village. In case of the qualified inspectors of election of any city, township, or village not attending at the place of holding such poll within one hour from the time fixed for the poll to be opened, those of the electors present may nominate and, *viva voce* appoint, one or more persons to act as inspectors; and thereupon, the person or persons so appointed shall be authorized to discharge the duties of inspectors of election in all things concerning the votes polled at such meeting, and in certifying the result thereof. The certificate of the result of the voting shall state who, if any one, was appointed inspector, and officiated; and such certificate, and the record thereof, shall be evidence of the non-attendance of the qualified inspectors of elections, and of the appointment and authority of the persons so certifying to act as inspectors.

Absence of in-
spectors.

Who shall act.

Aid, how ex-
pended.

(1284.) SEC. 6. The aid voted under the provisions of this act [shall] be expended under the direction of the common council of the city, the board of trustees of the village, or town board of the township voting such aid.

SEC. 7. This act shall take immediate effect.

[Passed the Senate March fourteenth, eighteen hundred and sixty-seven, and ordered to take immediate effect. Returned to the Senate March twenty-third, eighteen hundred and sixty-seven, without the approval of the Governor, with his objections thereto, and reconsidered. Passed March twenty-third, eighteen hundred and sixty-seven, by a vote of two-thirds of all the Senators elect, the objections of the Governor to the contrary notwithstanding.

THOS. H. GLENN, *Secretary Senate.*]

[Passed the House March twenty-first, eighteen hundred and sixty-seven, and ordered to take immediate effect. Received again from the Senate March twenty-third, eighteen hundred and sixty-seven, with the objections of the Governor thereto, and reconsidered. Passed March twenty-third, eighteen hundred and sixty-seven, by a vote of two-thirds of all the members elect, the objections of the Governor to the contrary notwithstanding.

N. B. JONES, *Clerk House Representatives.*]

An act to secure uniformity in the surveys, field-notes, diagrams, and records of State roads; to require copies to be made, filed, and kept, and to provide for the payment of all necessary expenses attending the same.

[*Approved April 5, 1869. Laws of 1869, p. 308.*]

(1285.) SECTION 1. *The People of the State of Michigan enact,* That in surveying and locating State roads hereafter to be surveyed and located, it shall be the duty of the local commissioner, or other person or persons having charge of the same, to cause the survey to be made on the center line of the road to be located, all the termini and angles to be established with proper monuments, or by noting bearing trees, the course from angle to angle to be accurately given in degrees and minutes, and the distance from one angle to another to be measured and stated in chains and links. Wherever the line of survey crosses a section line, the point of crossing shall be described by giving the distance of such crossing from a section, quarter section, or meander corner. The magnetic variation of the needle shall be stated. The field notes shall also show the character of the country on the line of said survey, by describing the timber, soil, and general surface of the ground, and shall give the width of all streams at the point where said road line crosses. Said field notes shall be made on separate sheets, one sheet for each township through which such road is in whole or in part located; said sheets to be twelve inches square, exclusive of the necessary margin.

Duty of local commissioner, or other person having charge of the survey of State roads.

Field notes: how same shall be made.

(1286.) SEC. 2. The surveyor or the person having charge of the survey shall make or cause to be made a diagram or map, upon the scale and in the form of the usual government survey plats, being a scale of two inches to the mile; and all of said road which may lie in a given township, as shown by the government surveys, shall be delineated on one plat or sheet of substantial paper or map muslin, so as to show all the section and quarter-section lines, all streams at the point of crossing, and the exact line of the road. There shall also be shown, by appropriate designs, all improved farms or cleared land, all swamps, marshes, and high hills on the line of said road; and each sheet or plat shall show the number

How diagram or map of survey shall be made.

and range of the township which it represents, it being the design to have said plats and field notes in proper form to be bound in book style.

Copy of field notes and diagram to be filed with register of deeds.

(1287.) SEC. 3. One copy of such field notes and diagram shall be filed with the register of deeds of any county in which the said road may be located, so far as the same may lie in such county; and the said registers with whom any such copies may be filed shall carefully preserve all files in proper order in his said office, and deliver the same to his successor in office. In all cases where said roads are State swamp land roads, there shall also be one such copy filed in the office of the Swamp Land Road Commissioner, at Lansing; and for all other State roads there shall be one such copy filed in the office of the Secretary of State, at Lansing.

When copy to be filed in State offices.

Expenses of survey; how paid.

(1288.) SEC. 4. All necessary expenses for making surveys, field notes, and diagrams of such State roads, and the copies required by section three of this act, shall be paid by the several counties, so far as the same shall run through any territory properly chargeable to said county; and it is hereby made the duty of the several boards of supervisors of any of the counties of this State through which any State road may be located, to audit and pay all necessary expenses of the surveys, field-notes, diagrams, and copies provided for in this act.

Duty of board of supervisors.

CHAPTER XXVII.

THE OBSTRUCTION OF HIGHWAYS, ENCROACHMENTS THEREON, AND PENALTIES.

Chapter twenty-six of Revised Statutes of 1946.

Obstruction of highway, etc.

(1289.) SECTION 1. Whoever shall willfully obstruct any highway or navigable river, or fill up or place any obstructions in any ditch constructed for draining the water from any highway, shall

Forfeiture.

forfeit, for every such offense, a sum not exceeding twenty-five dollars, to be recovered in an action of trespass before any justice of

How recovered.

the peace of the county; or the collection of such penalty may be made in accordance with any other law for that purpose, in case the said action of trespass shall not have been commenced: *Provided*, That this section shall not be so construed as to forbid the running or rafting of logs or lumber in the navigable streams of this State.¹

15 Mich. 54.
4 Hill, 215.
5 Denio, 213.
Proviso.

(1290.) SEC. 2. In every case where a highway shall have been laid out and opened, and the same has been or shall be encroached upon by any fence, building, or other encroachments, the commissioners of highways may make an order under their hands, requiring the occupant of the land through or by which such highway runs, and of which such fence, buildings, or other encroachments form a part of the enclosure, to remove such encroachments beyond the limits of such highway within thirty days; and they shall cause a copy of such order to be served upon such occupant; and every such order shall specify the width of the road, the extent of the encroachment, and the place or places in which the same shall be, with reasonable certainty.¹

Commissioners to order encroachments on highways removed.

Notice of order.

(1291.) SEC. 3. If such encroachment shall not be removed within thirty days after the service of a copy of such order, such occupant shall forfeit the sum of fifty cents for every day after the expiration of that time during which such encroachment shall continue unremoved, to be recovered in an action of trespass before any justice of the peace of the county; or the collection of such penalty may be made in accordance with any other laws for that purpose, in case the said action of trespass shall not have been commenced.¹

Penalty for non-compliance.

How recovered.

(1292.) SEC. 4. If the occupant upon whom a copy of such order shall be served shall deny such encroachment, the commissioners, or some one of them, shall apply to some justice of the peace of the county for a precept, which shall be issued by such justice, directed to any constable of the county, commanding him to summon six disinterested freeholders thereof, to meet at a certain day and place, and not less than four days after the issuing thereof, to inquire into the premises; and the constable to whom such precept shall be directed shall give at least three days' notice to one of the commissioners of highways of the township, and to the occupant of the land, of the time and place at which such freeholders are to meet.

Proceedings in case encroachment be denied.

(1293.) SEC. 5. On the day specified in the precept, the jury so summoned shall be sworn by such justice well and truly to inquire

Ibid.

¹ As amended by Act 115 of the Laws of 1861, p. 158, approved March 11, 1861.

whether any such encroachment has been made as described in the order of the commissioners, and by whom; and the witnesses produced by either party shall be sworn by the justice, and the jury shall hear the proofs and allegations which may be produced and submitted to them; and in case any person so summoned as a juror shall not appear, or shall be incompetent, his place may be supplied by a talesman as in other cases.

Proceedings for
removal of ob-
structions, etc.

(1294.) SEC. 6. If the jury find that any such encroachment has been made by the occupant of the land, or any former occupant thereof, they shall make and subscribe a certificate, in writing, of the particulars of such encroachment, and by whom made, which shall be filed in the office of the township clerk; and the occupant of the land, whether such encroachment shall have been made by him or by any former occupant, shall remove the same within thirty days after the filing of such certificate, under the penalty of one dollar for each day after the expiration of that time during which such encroachments remain unremoved, and if not removed within the thirty days as herein provided, the commissioners may remove the same at the expense of the occupant of the land, to be collected in the same manner as is provided in section seven of this chapter for the collection of costs: *Provided*, That said encroachments shall not be required to be removed, nor penalty collected for said encroachment, if the same be by fence or fences for the protection of hedge or hedges, unless the road be so fenced up as to render it less than two rods wide.¹

Penalty.

Proviso.

Ibid.

(1295.) SEC. 7. If the jury find that any such encroachment has been made as aforesaid, the occupant shall pay the costs of such inquiry, and if the same shall not be paid in ten days, the justice shall issue a warrant for the collection thereof, directed to any constable of the county, commanding him to levy such costs, and his fees thereon, of the goods and chattels of such delinquent, and make return thereof to such justice within thirty days from its date; and the justice, constables, jurors, and witnesses shall be entitled to the same compensation as for other similar services in proceedings before justices of the peace.

If no encroach-
ment found,
damages to be
paid by com-
plainant.

(1296.) SEC. 8. If the jury find that no encroachment has been made, they shall so certify, and shall also ascertain and certify the damages which the then occupant shall have sustained by such proceeding; which damages, together with the costs of the proceedings, shall be paid by the complainant.

¹ As amended by Act 119 of the Laws of 1871, p. 189, approved April 18, 1871.

(1297.) SEC. 9. No person shall be required to move any fence under the above provisions, except between the first day of November and the first day of April, unless the same shall have been made within three months next before the making of the order for the removal thereof. When fence may not be removed.

(1298.) SEC. 10. If any tree shall fall, or be fallen by any person, from any occupied land, into any highway, any person may give notice to the occupant of the land from which such tree shall have fallen to remove the same in two days; and if such tree shall not be removed within that time, but shall continue in such highway, such occupant shall forfeit the sum of fifty cents for every day thereafter, until such tree shall be removed. Penalty on occupant of land for not removing fallen trees, etc.

(1299.) SEC. 11. In case any person shall cut down or fall any tree on enclosed land not occupied by him, so that it shall fall into any highway, unless by the order or consent of the occupant, such person shall pay to the occupant of such land the sum of one dollar for every day the same shall remain in such highway, together with all other damages which such occupant may sustain, to be recovered as damages in an action of trespass, or on the case. Liability for falling trees into highway.

(1300.) SEC. 12. Whoever shall obstruct the navigation of any river or stream, which now is or may hereafter be declared a public highway, by falling any tree therein, or by putting into any river or stream so declared a public highway, any refuse lumber, slabs, or other waste materials, on conviction thereof shall forfeit the sum of five dollars for any such offense. Penalty for obstructing rivers, etc.

CHAPTER XXVIII.

THE ERECTION, REPAIRING, AND PRESERVATION
OF BRIDGES.

Chapter twenty-seven of Revised Statutes of 1844.

When moneys
may be raised for
building bridges.

(1301.) SECTION 1. Whenever it shall appear to the board of supervisors of any county that any one of the townships in such county would be unreasonably burthened, by erecting or repairing any necessary bridge or bridges in such township, such board of supervisors may cause such sum of money to be raised and levied upon the county as will be sufficient to defray the expenses of erecting or repairing such bridge or bridges, or such part of such expenses as they may deem proper; and such moneys, when collected, shall be paid to the township treasurer of the township in which the same are to be expended, and be applied by the commissioners of highways of such township to the purpose for which the same was raised.

Limitation of
amount.

(1302.) SEC. 2. No board of supervisors shall, under the provisions of the preceding section, cause any sum exceeding one thousand dollars to be raised and levied in any county in any one year.

Notice on cer-
tain bridges re-
lative to riding
or driving.

(1303.) SEC. 3. The commissioners of highways of any township, or common council of any city, or organized company, or the village council of any village, may put up and maintain, at the expense of their township, city, or company, or village, as the case may be, in conspicuous places at each end of any bridge in such township, city, or village, maintained at the public or company charge, and the length of whose chord is not less than twenty-five feet, a notice with the following words in large characters: "One dollar fine for riding or driving on this bridge faster than a walk;"

and in case such bridge shall be over one hundred feet in length, or shall have a draw or turn-table therein for the purpose of opening the same, such notice may be: "Ten dollars fine for riding or driving on this bridge faster than a walk, or for driving on more than ten head of cattle at a time;" or such other sum, not to exceed twenty-five dollars, may be mentioned in such notice as the said commissioners of highways of any township, common council of any city, or organized company, or the village council of any village under whose control and management any such bridge may be, shall deem proper.¹

(1304.) SEC. 4. Whoever shall ride or drive faster than a walk, or shall drive more than ten head of cattle at a time, upon any bridge upon which such notice shall have been placed, and shall there be, shall forfeit for every such offense the sum mentioned in such notice, and the same may be collected in the name of such highway commissioners, city, company, or village authorities, as the case may be, or by criminal prosecution.¹

Penalty for violation.

(1305.) SEC. 5. Whoever shall injure any bridge maintained at the public charge shall, for every such offense, forfeit treble damages.

Penalty for injuring bridge.

(1306.) SEC. 6. If any bridge over any stream intersected by a highway in any township in this State, or in any village incorporated under the general law for the incorporation of villages, or in any city or village not having, by the terms of its charter, the exclusive control of the construction and repair of any such bridges, and not being within the corporate limits of any city or village above excepted, has been within the last year, or shall hereafter be injured or destroyed by the occurrence of a freshet, or from any other cause, it shall be the duty of the highway commissioners of such township, on application in writing signed by at least six freeholders thereof, to proceed with all convenient dispatch to repair or reconstruct such bridge as the case may require, under the personal supervision of one of their number, or by letting a contract therefor, under existing provisions of law: *Provided*, That a majority of the highway commissioners of such township shall, upon a personal examination of the situation, determine that the public interest and convenience require such repairs to be made, or that such bridge ought to be rebuilt: *And provided*, That the sum to be expended for such repairs or recon-

Injury or destruction of certain bridges.

Duty of commissioners.

Proviso.

¹ As amended by Act 118 of the Laws of 1871, p. 188, approved April 12, 1871.

struction shall not in any one year exceed one thousand dollars in any one organized township.¹

Payment for
labor for the
same.

(1307.) SEC. 7. In payment for the labor performed, materials furnished, and necessary expenses incurred, for the purpose in the last preceding section specified, the said highway commissioners are hereby authorized to draw and issue their orders upon the township treasurer, redeemable out of the proceeds of the tax to be levied and collected therefor in the manner provided by the following section.²

Moneys, how
raised therefor.

(1308.) SEC. 8. For the purposes of levying and collecting such tax, the said highway commissioners shall furnish the township clerk with the amount of all the orders drawn by them for the objects aforesaid, on or before the first Monday of October thereafter; and the said township clerk shall thereupon include such amount in the statement of moneys to be raised for township purposes, to be by him delivered to the supervisor, under the provisions of existing law.³

An Act to oblige the owners or occupiers of mills, or other water-works, to keep bridges over their races crossing public highways.

[Approved February 13, 1855. Laws of 1855, p. 347.]

Owners and oc-
cupiers of mills
and other water-
works to main-
tain bridges over
their races.

(1309.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of all owners, occupiers, or possessors of mills or other water-works, where any race or races appertaining to the same may cross a public highway, to keep a good and sufficient bridge or bridges, not less than fourteen feet in width, with a substantial railing on each side thereof, over the same, except wheresaid mills have been erected and the races dug previous to the formation of said highway.

Duty of highway
commissioners
in case of neglect

(1310.) SEC. 2. In all cases where the owner or owners, occupiers, or possessors of any such mill or mills, or other water-works, shall refuse or neglect to make such bridge or bridges, or shall refuse or neglect to keep the same in good repair, it shall be the duty of the commissioners of highways of the township in which such highway may be, to proceed forthwith to erect or repair such bridge or bridges, at the expense of the person or persons whose duty it was to have erected or repaired such bridges.

¹ As amended by Act 82 of the Laws of 1867, p. 40, approved and took effect February 28, 1867.

² Added by Act 187 of 1848, p. 171.

(1311.) SEC. 3. The expenses so made or incurred by said commissioners of highways, in erecting or repairing such bridge or bridges, shall be a legal charge against the owner or owners, occupiers, or possessors of such mill or mills, or other water-works, and it shall be the duty of the said commissioners of highways to prosecute the person or persons so chargeable, on an action of assumpsit, for the expenses so made or incurred, and to cause the damages recovered in such prosecution to be applied towards the payment of said expenses.

(1312.) SEC. 4. Whenever an action of assumpsit shall be brought, under the provisions of this act, for the recovery of expenses made or incurred in erecting or repairing any such bridge or bridges, it shall be sufficient, without setting forth the special matter, to allege in the declaration that the defendant, being indebted to the plaintiff in the amount of such expenses, according to the provisions of this act, referring to the same by its title and date of approval, undertook and promised to pay the same to the plaintiff; and to every such declaration the defendant may plead the defense. Declaration in suit to recover expenses.

general issue, and may give in evidence, under such plea, any special matter in bar of the action, or in discharge of the defendant, in the same manner and with like effect as if a special notice thereof had been given.

This act shall take effect immediately.

An Act to provide for the preservation of bridges in certain cases.

[Approved March 1, 1861. Laws of 1861, p. 120.]

(1313.) SECTION 1. *The People of the State of Michigan enact,* Commissioners to erect piers, etc., to protect bridges.

That the commissioners of highways of the several townships in this State may and they are hereby authorized to erect any piers or booms, or drive any piles, or do any other act not incompatible with the general laws of this State in such cases made and provided, when necessary for the preservation or protection of bridges over any streams in this State, against the running of logs, or running or rafting of timber or lumber, or against freshets or any other cause: *Provided,* That nothing in this act shall be so construed as to authorize the commissioners of highways, in the protection or preservation of bridges, in any way materially to hinder or obstruct the navigation of the streams of this State. Proviso.

(1314.) SEC. 2. The commissioners of highways shall receive the same compensation as is by law allowed in other cases; and all Compensation therefor.

expenses incident to the protection and preservation of bridges, as above provided, shall be allowed and paid as other expenses for building or repairing bridges and highways.

SEC. 3. This act shall take effect immediately.

CHAPTER XXIX.

MISCELLANEOUS PROVISIONS OF A GENERAL NATURE.

Chapter twenty-eight of Revised Statutes of 1846.

When trees, etc.,
to be for use of
owner of land.

(1315.) SECTION 1. All trees standing or lying on any land over which any highway shall be laid out, shall be for the proper use of the owner of such land, or person otherwise entitled thereto, except such of them as may be requisite to make or repair the highways or bridges on the same land, or within one mile of the same; but no trees reserved for shade or ornament shall be used for such purposes.

An Act relating to the planting of trees or shrubs in the highway, being "An act to amend section (1111) eleven hundred and eleven, being section two of chapter twenty-five of the Compiled Laws, and to add two new sections thereto."

[Approved March 27, 1867. Laws of 1867, p. 188.]

Section amended

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter twenty-five of Compiled Laws be amended so as to read as follows:

Permission to
plant trees.

(1316.) (1111.) SEC. 2. Any person or persons owning or occupying land adjoining any highway not less than three rods wide, may plant or set out trees or shrubs on each side of said highway contiguous to his land, which trees or shrubs shall be set in regular rows, at a distance not less than six feet from each other, and

Distance.

within eight feet of the margin of the highway: *Provided, That* Proviso.
 in incorporated villages or cities the common council of such cities
 or villages may fix and determine the distance that such trees shall
 be set from the margin of the highways therein; and any such Amount of tax
allowed for
planting.
 person owning or occupying land contiguous to any highway, and
 who is assessed any highway or poll tax, may cause to be paid of
 such tax a sum not exceeding twenty-five per cent for any year, by
 planting trees or shrubs in the margin of the highway, in a space
 not exceeding eight feet in width from the margin of the highway,
 which sum, when so paid shall be credited upon his highway or
 poll tax for that year; and any overseer of the highway may cause Overseer of
highway may
plant trees.
 a portion, not exceeding ten per cent of the highway tax in his
 road district, to be expended in setting out trees or shrubs in a
 space not exceeding eight feet in width from the margin of the
 highway.

(1317.) SEC. 2. Any person who shall (except as hereinafter pro- Penalty for in-
juring trees.
 vided) willfully injure, deface, tear, or destroy any tree or shrub
 thus planted along the margin of the highway, or purposely left
 there for shade or ornament, shall forfeit a sum not less than five
 nor more than one hundred dollars for each offense, which sum
 may be recovered in any court of competent jurisdiction: *Pro-* Proviso.
vided, That whenever it shall appear to the board of commission-
 ers for highways in any town in this State, that any shade or
 ornamental trees or shrubs are an obstruction or an injury to any
 highway, said trees or shrubs may be cut down and removed by
 order of the aforesaid board of commissioners of highways.

(1318.) SEC. 3. Any person who shall negligently or carelessly Penalty for suf-
fering animals
to injure trees.
 suffer any horse or other beast driven by or for him, or any beast
 belonging to him, and lawfully in the highway, to break down,
 destroy, or injure any tree or shrub not his own, standing for use
 or ornament in any highway, or negligently or willfully, by any
 other means, shall break down, destroy, or injure any such tree or
 shrub, shall be subject to an action for damages in a sum not less
 than one nor more than twenty-five dollars for each offense, to be
 recovered at the suit of the owner or tenant of the land in front
 of which such tree or shrub stands, or of the overseer of the high-
 way in whose road district such tree or shrub may be situated.

[SEC. 4. This act shall take immediate effect.]

(1319.) SEC. 3. Whoever shall willfully destroy, remove, injure, or Person remov-
ing mile-stone,
etc., guilty of
misdemeanor.
 deface any mile-stone or mile-board, erected on any highway, or
 shall willfully injure or deface any inscription or device upon any
 guide-post or guide-board on any highway, or remove, destroy, or

injure any such guide-post or guide-board, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars, or imprisoned in the county jail not exceeding three months, in the discretion of the court.

Liability for injuring highway; overseer to prosecute.
28 Wend. 445.
5 Mich. 528.

(1320.) SEC. 4. Whoever shall injure any highway, by obstructing or diverting any creek, water-course, or sluice, or by drawing logs or timber on the surface of any road or bridge, or by any other act, shall be liable in treble damages, to be recovered in an action of trespass, or on the case, by the overseer of highways of the road district within which the injury was done, in his name of office, to be expended by him in the repair of roads in his district.

When commissioners to prosecute.
5 Mich. 528.

(1321.) SEC. 5. But if any such injury shall be done within any road district, by the overseer of highways of such district, or with his assent, or if any overseer of highways of any road district shall refuse or neglect to prosecute for any such injury done within his district, it shall be the duty of the commissioners of highways of the town within which such district is situated to prosecute for such injury in an action of trespass on the case, and cause the damages to be recovered in such prosecution to be expended in the repair of roads in the district within which such injury shall have been done.¹

Provisions of this title to extend to all parts of the State, except, etc.

(1322.) SEC. 5. The provisions of this chapter, and of the preceding chapters relating to highways and bridges, shall be construed to extend to all parts of the State, except where special provisions inconsistent therewith have been or shall be made by law in relation to particular townships, counties, cities, or villages.

An Act for the collection of damages sustained by defective bridges on the public highways.

[Approved March 15, 1861. Laws of 1861, p. 407.]

Damages for injuries received by persons on account of defective bridges.

(1323.) SECTION 1. *The People of the State of Michigan enact,* That any person or persons sustaining bodily injury upon any of the public highways in this State, by reason of neglect to keep in repair any bridge or culvert by any township or corporation whose duty it is to keep such bridge or culvert in repair, such township or corporation shall be liable to, and shall pay to the person or persons so injured or disabled, just damages, to be recovered in an action of trespass on the case, before any court of competent jurisdiction.

¹ Added by section 21 of Act 206 of 1848. Laws of 1848, p. 815.

(1324.) SEC. 2. If any horse or other animal, or any cart, carriage, vehicle, or other property, shall receive any injury or damage by reason of neglect by any township or corporation to keep in repair any bridge or culvert, the township or corporation whose duty it is to keep such bridge or culvert in repair shall be liable to and pay to the owner thereof just damages, which may be recovered in an action of trespass on the case, before any court of competent jurisdiction; and when judgment shall have been rendered in favor of any plaintiff, the magistrate who rendered such judgment, or if judgment shall have been rendered in a court of record, then the clerk of such court, shall notify the township clerk of the township against which judgment is so rendered, of the amount of such judgment and costs, on or before the first Monday in October thereafter; and the said township clerk shall thereupon include such amount in the statement of moneys to be raised for township purposes, to be by him delivered to the supervisor, under the provisions of existing law, and the same shall be levied, collected, and returned in the same manner as is provided by law in case of judgment rendered against school districts.

Injury to animals.
4 Mich. 587.
20 Mich. 143.

Notice of damages recovered to be given to town clerk.

How damages to be collected.

CHAPTER XXX.

THE REGULATION OF FERRIES.

Chapter twenty-nine of Revised Statutes of 1846.

(1325.) SECTION 1. "The board of supervisors of each of the counties of this State may grant licenses for keeping ferries, in their respective counties, to as many suitable persons as they may think proper, which licenses shall continue in force for a time to be specified therein by said board, not exceeding ten years."¹

License of ferries authorized.

(1326.) SEC. 2. The said board, when they shall grant any license to keep a ferry, shall order and direct the rates of ferriage

Rates of ferriage how regulated.

¹ As amended by Act 166 of the Laws of 1859, p. 463, approved and took effect February 14, 1859.

which the person licensed may receive, and may, from time to time thereafter, during the continuance of such license, alter such rates; and they may also direct what and how many hours each day such person shall attend his ferry.

SEC. 3, 4.¹

Bond to be given.

(1327.) SEC. 5. Every person applying for such license shall, before the same be granted, give bond to the people of this State, in such penal sum as the said board shall direct, not less than two hundred dollars, with so many and such sufficient sureties as the said board shall direct and approve, upon condition that he will faithfully keep and attend such ferry, with such and so many safe and convenient boats, and so many men to work the same, together with sufficient implements therefor, during the several hours in each day, and at such several rates, as the said board shall, from time to time, order and direct; which bond shall be filed with the county clerk.

Entry of license by clerk, etc.

(1328.) SEC. 6. Every such license shall be entered by the county clerk in a suitable book in his office; and a copy of such license, attested by such clerk, shall be delivered to the person licensed.

When waters divide two counties, license may be obtained in either.

(1329.) SEC. 7. Whenever the waters over which any ferry may be used shall divide two counties, a license obtained in either of the counties shall be sufficient to authorize the person obtaining the same to transport persons, goods, wares, merchandise, and effects to and from either side of said waters.

Persons violating bond guilty of misdemeanor, etc.

(1330.) SEC. 8. Every person who shall violate such bond shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to such fine as the court may adjudge, not exceeding twenty-five dollars for each offense, and unless such fine and the costs of prosecution shall be paid within ten days after such fine shall have been imposed, the prosecuting attorney for the county shall prosecute such bond for the use of the State.

Persons using ferry without license, guilty of misdemeanor.

(1331.) SEC. 9. If any person shall use any ferry for transporting across any river, stream, or lake, persons, goods, chattels, or effects, for profit or hire, unless authorized in the manner directed in this chapter, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to such fine as the court may adjudge, not exceeding twenty dollars for each offense.

When person may be prosecuted in either of two counties.

(1332.) SEC. 10. When any offense mentioned in either of the two last preceding sections shall be committed on waters dividing

¹ Repealed by Act 189 of the Laws of 1871, p. 318.

two counties, the person so offending may be prosecuted in either of such counties.

(1333.) SEC. 11. Nothing contained in this chapter shall affect Limitation of provisions of this chapter or impair any right or privilege belonging to any individual, or corporation, by virtue of any law of this State.

(1334.) SEC. 12. Ferry landings shall be deemed public highways, Ferry landings deemed public highways. and may be laid out, constructed, maintained, altered or discontinued in the same manner, and shall in all respects be subject to the same regulations, so far as they may be applicable, as other public highways and bridges; and any public highways along the border of or terminating upon the waters of any stream, river, or other body of water across which a ferry is licensed, may be used as a landing for such ferry, subject to such rules and regulations as the authorities having control over highways may be establish; and such use shall be deemed a proper use thereof as a highway.¹

CHAPTER XXXI.

PRIVATE ROADS.

An Act to provide for laying out private roads.

[Approved February 7, 1855. Took effect May 16, 1855. Laws of 1855, p. 36.]

(1335.) SECTION 1. *The People of the State of Michigan enact,* Application for private road. That whenever application shall be made to the commissioners of highways of any township for a private road, they shall give notice to the owner or occupant of the land over which the road is proposed to be laid out, to meet on a day and at a place certain, for the purpose of aiding in the striking of a jury to determine as to the necessity or propriety of such road; at which time and place the jury shall be selected, in the following manner, to wit: Said com- Jury, how selected and cited.

¹ Added by Act 189 of the Laws of 1871, p. 318, approved April 17, 1871.

missioners of highways shall direct some disinterested person to write down the names of eighteen disinterested freeholders, from which list the owner or occupant of said land and the applicant for said road shall strike out three names each, and the balance remaining on such list shall form said jury. In case either said owner or occupant, or said applicant, shall refuse to strike, said commissioners shall strike for the party so neglecting or refusing. Said commissioners shall issue a citation to said freeholders to appear before them forthwith, to determine as to the necessity or propriety of such road, and the damages resulting therefrom, in case such road shall be deemed necessary by them.

Jury to be sworn (1336.) SEC. 2. Such freeholders, when met, shall be sworn well and truly to examine in regard to the necessity and propriety of such road, and, in case they shall decide that such road is necessary, to justly and impartially appraise the damages of the owner or owners, or occupant of the land, by reason of laying out such road.

Duty of jury. (1337.) SEC. 3. If they shall determine that the road so applied for is necessary, they shall make and subscribe a certificate of such determination, and also their appraisal of the damages, and shall deposit the same with the commissioners of highways of the township; and the said commissioners of highways shall thereupon lay out the road, describing the same particularly by its bounds, courses, and distances, and cause a record thereof to be made in the clerk's office of the proper townships.

Applicant to pay damages and expenses. (1338.) SEC. 4. The damages of the owner or owners, or occupant of the land through which such road shall be laid, when ascertained as hereinbefore provided, together with expenses of proceedings, shall be paid by the person applying for the road; and when such damages and expenses are paid, the commissioners of highways of the township shall proceed to open the road.

When paid, road to be opened. (1339.) SEC. 5. Every such private road, when so laid out, shall be for the use of such applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road: *Provided always*, That the owner or occupant of the land through which such road shall be laid out, shall not be prevented making use thereof as a road, if he shall signify his intention of making use of the same to the jury who ascertain the damages sustained by laying out such road, before the appraisal of the damages by them.

Road to be for use of applicant.

When owner of land may use road.

An Act relative to laying out temporary highways.

[Approved April 13, 1871. Laws of 1871, p. 183.]

(1340.) SECTION 1. *The People of the State of Michigan enact,* When and how to be laid out.
That whenever any two or more owners of any pine or other timbered lands in any township shall wish to have a temporary highway laid out, they may, by writing, under their hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to lay out such temporary highway in all respects as provided by the law in force at the time of said application in relation to laying out other highways, except as hereinafter provided.

(1341.) SEC. 2. When any such application shall be made, the commissioners or jury shall proceed to view the premises described in such application, and any such tracts of pine or other timbered land in the vicinity as they may deem necessary, and ascertain and determine the necessity of laying out such highway for the purpose of removing the saw-logs, timber, or lumber from any pine or other timbered lands, and the length of time that such highway will be necessary, and they shall state such time in their proceedings, and at the expiration of said time such highway shall cease. But no such highway shall be laid out along and upon, and so as Duty of commissioners or jury, and when road shall cease. Exception.
to occupy, any road made or caused to be made by the owner of said land, or by any person with the consent of said owner, and used by the person or persons who made the same, unless such owner shall consent thereto in writing. If the owner of the land across which such highway is desired shall appear before the commissioner or jury, at the time and place fixed by them to determine such necessity, and shall designate a route for such highway, which shall be in the opinion of such commissioner or jury reasonably direct and practicable for the purpose desired by such applicants, it shall be the duty of the commissioner or jury, in case they determine such highway to be necessary, to lay the same upon the route designated by such owner. Owner of land may designate route.

(1342) SEC. 3: All the expenses of laying out, and all damages awarded for the taking of lands for such highway, shall be paid Expenses, etc., borne by applicants. by the persons applying for the same. They shall be public highways, but no tax shall be levied or collected for making or opening the same. The persons applying for the same may enter upon, open, and work any such road at any time after it is laid out: *Provided*, That no trees shall be cut in such highway, except such as shall be necessary to make a track or tracks.

Notice of meeting of commissioners.

(1343.) SEC. 4. In case any tract of land across which such road shall be laid out shall be unoccupied, it shall not be necessary to serve the notice of the meeting of commissioners personally or by leaving the same at the residence of the owner, but it shall be sufficient to post the same in three public places in the township ten days before the time of meeting.

TITLE X.

CHAPTER XXXII.

THE RECORDING OF TOWN PLATS, AND THE VACATING OF THE SAME.

An Act to provide for the recording of town plats, and for vacating the same in certain cases.¹

[Approved April 19, 1839. Took effect May 19, 1839. Laws of 1839, p. 162.]

(1344.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* Whenever any town, city, village, or additions thereto, shall be hereafter laid out within this State, the proprietors of such town, city, village, or additions thereto, shall cause a true map or plat thereof to be made by a civil engineer or surveyor, and acknowledged by them before any justice of the peace or notary public in the county, and to be recorded in the county where the land lies, with the register of deeds, before any lot or lots therein be offered for sale; and if any person or persons shall sell, or offer for sale, any lot or lots, within such town, city, village, or addition thereto, before the same be recorded as aforesaid, such person or persons shall forfeit and pay a sum of ten dollars for the use of the town, city, or village so platted, or to which the addition shall be made, for every lot so sold.²

Plat to be recorded.
2 Doug. 256.

Penalty.

(1345.) SEC. 2. That such maps or plats as are by this act required to be recorded, shall particularly set forth and describe such portion of the government survey as is intended to be platted;

Boundaries clearly defined.
2 Doug. 256.

¹ For prior laws on this subject, see the Act of March 12, 1821 (Code of 1820, p. 894), and the Act of March 12, 1827 (Revision of 1827, p. 278).

² As amended by Act 85 of the Laws of 1859, p. 83, approved January 29, 1859.

Public grounds
and streets de-
scribed.

Lots and blocks
numbered.

Effects of execu-
tion and record.

Recording maps
that do not com-
ply with original
articles of sale.

Plats, when
vacated.

and when said premises are not included in the legal subdivisions of the government surveys, then the boundaries to be defined by metes, bounds, and courses. Said maps or plats shall also particularly set forth and describe all the public grounds (except for streets and alleys) by their boundaries, courses, and extent, and all streets and alleys by their courses, lengths, widths, names, or numbers, by writing or figures upon that portion of the map or plat intended for those uses. And all the lots intended for sale may be numbered either by progressive numbers, or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered. Where all the lots in any block are of the same dimensions, it shall be sufficient to mark the precise length and width upon one tier thereof, but all gores, triangles, or other lots which are not either squares or parallelograms, shall have the length of their sides plainly defined by figures. And the maps so made and acknowledged by the civil engineer and surveyor making the same, and by the proprietors thereof, before a justice of the peace or a notary public of the proper county where the town, city, village, or additions lie, or before any judge of any court of record, and certified under the hand and seal of the judge, justice, or notary public taking such acknowledgment, and recorded, shall be deemed a sufficient conveyance to vest the fee of such parcels of land as are therein expressed, named, or intended for public uses, in the county in which town, city, village, or additions lie, in trust to and for the uses and purposes therein named, expressed, or intended, and for no other use or purpose whatever.¹

(1346.) SEC. 3. That if any proprietor or proprietors, their agent or attorney, shall cause any map of a town to be recorded as aforesaid, which does not set forth and describe, in manner aforesaid, all and every parcel of ground which has been or shall be promised or set apart by the original articles of sale for public uses, and other lots, such person or persons shall forfeit and pay double the value of the ground so promised and not set forth on the map, three-fourth parts thereof to the use of the county where such town lies, for the express purpose of purchasing ground within and for the use of such town, in lieu of that which was so promised, and the other fourth part to the use of the person prosecuting.

(1347.) SEC. 4. That the circuit courts in and for the several counties are hereby authorized and empowered, on application made by any owner or owners of any part of a town within their proper county, to alter or vacate the same or any part thereof, as

¹As amended by Act 85 of the Laws of 1869, p. 84, approved January 29, 1869.

hereinafter provided; and the circuit courts are hereby authorized and empowered to vacate any town plat or any part thereof, upon the application of any prosecuting attorney of any county of this State, when such prosecuting attorney shall be directed to make such application by the board of supervisors of his county in the following cases, viz: When a town plat has been or shall have been recorded without having been properly executed or acknowledged, or for any cause, legal and valid assessments of taxes cannot be made upon the lots situated within the limits of such plat.¹

On unacknowledged record tax cannot be assessed.

(1348.) SEC. 5. That if any owner or owners of any part of a town shall be desirous of altering or vacating the same or any part thereof, it shall be lawful for such owner or owners, or the prosecuting attorney of the proper county, in the cases above specified, to petition the circuit court for the proper county, setting forth the particular circumstances of the case, and giving a distinct description of the property to be vacated or altered, the names of the persons to be particularly affected thereby, and the extent of their interest in that part of the town which it is proposed to alter or vacate, which petition shall be filed with the clerk of said court thirty days previous to the sitting of the court to which he, she, or they intend to make such application; and notice of the pendency of said petition shall be given for the same space of time, by publishing the same in a newspaper printed in said county, and by posting up the same in three of the most public places in said town, containing a description of the property to be altered or vacated.¹

How owners may alter or vacate on petition.

Its contents.

Its filing.

Publishing notice.

(1349.) SEC. 6. That the hearing of said petition may be continued from term to term, in the discretion of the court, without further notice, and that on the hearing thereof, any person owning any part of said town immediately adjoining that part which it is proposed to alter or vacate may appear in opposition to such petition; and if upon such hearing the applicant or applicants shall produce to said court satisfactory evidence that the notice required by the preceding section of this act has been given, and that there is no reasonable objection to making such alteration or vacation, the court shall proceed to alter or vacate said town or village, or any part thereof, and the part vacated, if it be a lot or lots, shall vest in the rightful owner, and if the same be a street or alley, the same shall be attached to the lots or ground bordering on such

On hearing petition.

Evidence of notice.

Proceedings to alter, etc.

¹ As amended by Act 189 of the Laws of 1867, p. 259, approved March 27, 1867.

How titles are vested.

Proviso.

street or alley, and the title thereto shall vest in the person or persons owning the property on each side thereof, to the center of such street or alley, except when a part of one or both sides of a street or alley shall be vacated, then the part or parts vacated shall be attached to, and the title thereof vest in the owner or owners of, the lot or lots adjoining the same, and the court shall order their proceedings therein to be recorded by their clerk with the record of said court: *Provided*, That the vacating of any town or any part of the same shall not vacate any part of a State or county road; and in all cases where, by any of the laws of this State, or in pursuance thereof, any street or alley shall be vacated, the title to such street or alley shall vest in the person or persons who would be entitled to the same by the preceding provisions of this section, in case such street or alley had been vacated by the circuit court of the proper county under the provisions of this act as hereby amended.¹

Record of court to be recorded by county register.

(1350.) SEC. 7. That the clerk of said court shall give to the applicant a certified copy of such record, for which he shall be entitled to receive the sum of one dollar; and it shall be the duty of such applicant to have such certificate recorded by the register of the county, within six months thereafter.

Forfeitures; how to be recovered.

(1351.) SEC. 8. That the several forfeitures arising under this act may be recovered in an action for debt, by any person who shall sue for the same, before any court having cognizance of the same; and in any action to be brought for any penalty incurred under this act, where judgment shall be given for the plaintiff, the court shall award to him his legal costs of suit, and if, in any case, the body of a proprietor cannot be found, the property of such proprietor shall be liable to be attached as for any other demand; and where any forfeitures are not, by this act, otherwise appropriated, they shall be paid over to the plaintiff prosecuting for the same; and in case no individual prosecutes for the same, it shall be the duty of the prosecuting attorneys of the respective counties, in all cases of the failure of the proprietor or proprietors of any lands laid out as aforesaid to comply with the provisions of this act, to prosecute such proprietors on behalf of their respective counties, for the penalties herein prescribed.²

Register to record plats filed, but not acknowledged.

(1352.) SEC. 9. That in all cases where plats of any town or village, or additions to any town or village, are now filed in the register's office of the respective counties, and such plats have been so

¹ See preceding note.

² As amended by Act 718, of 1848. Laws of 1848, p. 141.

filed by the proprietor or proprietors, their agent or attorney, and the same have not been duly acknowledged and recorded, as provided by the act to which this amendatory, it shall be the duty of the register of deeds of the county in which the lands so laid out are situated, to record the same as provided in said act; and, when so recorded, the said plat shall be as valid and effectual for the purposes of the assessment, collection, and return of taxes, and of the sale of said lands which may be delinquent in the payment thereof, as though the same had been duly acknowledged and recorded according to the provisions of the act to which this is amendatory; and the said registers shall receive for the services rendered under the provisions of this act, such sums as the boards of supervisors of their respective counties shall deem reasonable, to be paid from the treasury of the county.¹

(1353.) SEC. 9. When application is made to alter or vacate any town or village plat, as aforesaid, any person or persons interested may appear in person or by attorney, and oppose the same, by having his or their appearance entered upon the records of said court for that purpose; and in case the proprietor succeed in his application, then judgment shall be rendered in his favor, and costs against the person or persons opposing the same; but in case the proprietor does not succeed in his application, judgment shall be rendered in favor of the person or persons opposing the same, for costs, and shall be taxed and execution issued therefor as in other cases.²

Person interested may appear and oppose application.

Judgment.

An Act to amend an act entitled "An act to amend 'An act to provide for the recording of town plats, and for vacating the same in certain cases,' approved April nineteen, eighteen hundred and thirty-nine."

[Approved January 17, 1849. Laws of 1849, p. 4.]

(1354.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act approved March 27th, eighteen hundred and forty-eight, being "An act to amend 'An act to provide for the recording of town plats, and for vacating the same in certain cases,' approved April nineteenth, eighteen hundred and thirty-nine," be and the same is hereby amended as follows:

Act relative to record of town plats amended.

(1355.) SEC. 2. Amend section one by inserting the words "of said deeds," after the word "register," in the tenth line.

¹Added by Act 118 of 1848, which took effect May 26, 1848; and amended by Act 5 of 1849, Laws of 1849, p. 4.

²Added by Act 210 of 1850, approved and in force from April 1, 1850. Laws of 1850, p. 212.

Ibid.

(1356.) SEC. 3. Strike out of the seventh line in section the words "county register," and insert in the place thereof the words "register of deeds of the county."

Certain records
legalized.

(1357.) SEC. 4. All town plats recorded since the passage of this act hereby amended, shall be deemed as valid and effectual in all respects as if the same had been recorded under the provisions of said act as hereby amended.

SEC. 5. This act shall take effect and be in force from and after its passage.

An Act relative to town plats.

[Approved March 20, 1850. Laws of 1850, p. 72.]

Plats; when
valid.
14 Mich. 12.

(1358.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in all cases in which the proprietor or proprietors of any piece of land heretofore have caused the same to be laid out and platted

Effect of record-
ed plat not ac-
knowledge.

town or village, and shall have caused such plat to be recorded in the office of the register of deeds of the county in which such land is situated, without having acknowledged the same according to the statute in such case made and provided, such plat shall have sold and conveyed lots in such town or village by deed

Rev. Ch. R. 404,
2 Doug. Mich.
384.

duly acknowledged, referring to such recorded plat, such plat shall be deemed to have the same effect, in all respects whatsoever, as if the same had been acknowledged by such proprietor or proprietors, according to the statutes in such case made and provided:

Provided.

Provided, That all mortgages upon, or sales, or conveyances of tracts of sale of, or any vested rights in any lands so conveyed, any village plat, and which lands shall be described without reference to such plats, or any suit or foreclosure of mortgage pending in relation to the same, shall not in any wise be affected by the operation of this section.

Plat to be evi-
dence against
parties.

(1359.) SEC. 2. The record of any village plat heretofore recorded and duly acknowledged, shall be evidence, as against the parties thereto, in any action or suit for the recovery of land, or the acknowledgment, of the sufficient dedication, gift, and grant to the public of any portion thereof represented in such plat as a public square; but the rights of parties to any suits now pending in relation to the same shall not be affected by the provisions of this act.

Provided.

SEC. 3. This act shall take effect and be in force from and after its passage.

¹ Section 9 as above given.

² As to dedication to the public use, see 2 Doug. 256, 6 Mich. 176, 7 Mich. 115, 12 Mich. 401, 14 Mich. 12.

TITLE XI.

THE REGULATION OF TRADE IN CERTAIN CASES.

- CHAPTER XXXIII. The inspection of provisions and other merchandise, and regulations respecting the sale thereof.
- CHAPTER XXXIV. Weights and measures.
- CHAPTER XXXV. Bills of exchange and promissory notes.
- CHAPTER XXXVI. Limited partnerships.
- CHAPTER XXXVII. Private associations and partnerships for mining and manufacturing purposes.
- CHAPTER XXXVIII. The construction of lines of telegraph by individuals and associations.
- CHAPTER XXXIX. The regulation of certain companies and their agents, not incorporated by this State.
- CHAPTER XL. Brokers and exchange dealers.
- CHAPTER XLI. Money of account and the interest of money, and on judgments, verdicts, etc.
- CHAPTER XLII. The support and regulation of mills.
- CHAPTER XLIII. The floating of logs.
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CHAPTER XXXIII.

THE INSPECTION OF PROVISIONS AND OTHER MERCHANDISE, AND REGULATIONS RESPECTING THE SALE THEREOF.

Chapter thirty of Revised Statutes of 1846.

(1360.) SECTION 1. There may be elected in each of the organized counties in this State, as the public convenience and necessity may require, inspectors of the following articles, namely: beef and pork, butter and hog's lard, fish, flour, and meal, leather, and pot and pearl ashes; and such inspectors shall hold their offices, respectively, for the term of four years, unless sooner removed by the board of supervisors for misconduct in office.

Inspectors may
be elected.
17 Mich. 498.

Oath and bond. (1361.) SEC. 2. Each inspector shall, before entering on the duties of his office, take and subscribe the oath of office prescribed by the twelfth article of the Constitution of this State, and cause the same to be filed in the office of the clerk of the county for which he shall be elected, and shall also give bond, with sufficient sureties, as hereinafter provided.

Deputies. (1362.) SEC. 3. Each inspector shall appoint one or more deputy inspectors, removable at his pleasure, in each township within his county where he shall deem it necessary, for whose official conduct he shall be responsible; and they shall give bonds with sufficient sureties to him, in a penal sum not exceeding five hundred dollars each, and shall take and subscribe the constitutional oath of office, and cause the same to be filed in the office of the clerk of the county within which they shall be appointed.

BEEF AND PORK.

Bond of inspectors of beef and pork. (1363.) SEC. 4. Each inspector of beef and pork shall, before entering upon the duties of his office, give bond with sufficient sureties, to the Treasurer of this State, in the penal sum of one thousand dollars; which bond shall be approved by the county clerk and lodged with the treasurer of the county for which such inspector is elected.

Annual returns. (1364.) SEC. 5. Each inspector of beef and pork shall, annually in the month of December, make a return to the Secretary of State, of the whole number of barrels and half-barrels of beef and pork so inspected by him and his deputies during the year preceding the first day of December in the year when such return is made, designating therein the different sorts, and the places in which the same was inspected.

Quality of barrels and weight of contents. (1365.) SEC. 6. All barrels in which beef or pork shall be packed shall be made of good, seasoned white oak, or white ash staves and heading, free from any defect; and each barrel shall contain not less than one hundred pounds of beef or pork.

Barrels; how made. (1366.) SEC. 7. Such barrels shall measure seventeen and a half inches between the chimes, and be twenty-nine inches long, and be hooped with at least twelve good, hickory, white oak, or other suitable hoops; and if the barrel be made of white ash staves, it shall be hooped with at least fourteen such hoops. The staves and heading shall be made of a proper thickness, and the hoops shall be set and driven together.

Half-barrels. (1367.) SEC. 8. The half-barrels in which any beef or pork shall be packed shall contain not less than fifteen nor more than

teen gallons, and made in proportion to and of the like materials as a whole barrel, and shall contain one-half of the quantity of beef and pork of the whole barrel.

(1368.) SEC. 9. No beef shall be branded by an inspector, as Quality, etc., of beef. hereinafter mentioned, unless it be of fat cattle, not under three years old; and all such beef shall be cut into pieces as nearly square as may be, and of not more than twelve nor less than four pounds in weight.

(1369.) SEC. 10. All beef shall be sorted and divided for packing, Denominations of beef. or repacking, in barrels or half-barrels, into three sorts, to be denominated "mess," "prime," and "cargo" beef.

(1370.) SEC. 11. Mess beef shall consist of the choice pieces of Mess beef. such cattle as are large and well fattened, without hocks, shanks, clods, or necks, and may or may not contain two choice rounds out of the same cattle, not exceeding ten pounds each; and each barrel or half-barrel containing beef of this description, shall be branded on one of the heads with the words, "Mess beef."

(1371.) SEC. 12. Prime beef shall consist of choice pieces of good Prime beef. fat cattle, of which there shall not be in a barrel more than one half of a neck, nor more than two shanks, with the hocks cut off of the hind legs, at the smallest place above the joints; and each barrel and half-barrel containing beef of this description shall be branded on one of the heads with the words, "Prime beef."

(1372.) SEC. 13. Cargo beef shall be of fat cattle, with a propor- Cargo beef. tion of good pieces, and not more than one-half of a neck, and three shanks, with the hocks cut off in the same manner as in prime in a barrel, and shall be otherwise merchantable; and each barrel and half-barrel of beef of this description shall be branded on one of the heads with the words, "Cargo beef."

(1373.) SEC. 14. Every barrel of beef shall be well salted with How salted. good clean salt, equal to seventy pounds of Turk's Island salt, exclusive of a strong, new pickle; and to each barrel shall be added four ounces of saltpetre; and every half-barrel shall be salted in the same proportion, and two ounces of saltpetre shall be added thereto.

(1374.) SEC. 15. On one head of every barrel and half-barrel of How branded. merchantable beef and pork inspected and packed, shall be distinctly branded the weight it contains, with the first letter of the Christian name, and the surname at full length, of the inspector, or deputy, who shall have inspected the same, the word "Michigan," and the name of the county, and the year in which the same was inspected and branded.

When not to be branded.	(1375.) SEC. 16. No beef or pork shall be branded by an inspector except such as shall be sweet and wholesome, and except the same be packed in casks of the dimensions hereinafter prescribed.
Denominations of pork.	(1376.) SEC. 17. There shall be four qualities of pork. The first quality shall be denominated "mess pork," and shall consist of the sides of good fat hogs, exclusive of all other pieces; and the barrel or half-barrel of pork of this description shall be branded on one of its heads with the words, "Mess pork."
Mess pork.	
Prime pork.	(1377.) SEC. 18. The second quality of pork shall be denominated "prime pork," of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint, nor more than twenty-four pounds of heads, which shall have the ears and snouts cut off; such snouts to be cut off at the opening of the jaws, and the brains and all impure matter to be taken out of the heads; and the rest of the pork necessary to constitute the brand of prime pork shall be made up of side pieces, neck pieces, tail pieces, and on one head of every such barrel or half-barrel shall be branded the words, "Prime pork."
One-hog pork.	(1378.) SEC. 19. The third quality of pork shall be denominated "one-hog pork," of which there shall not be in a barrel more than two hams, two shoulders, one neck, one rump, and one head, the ears and snout cut off, and the brains and all impure matter taken out; and the rest of the pork to make up the barrel shall consist of good side pieces; and each barrel of pork of this description shall be branded with the words "One-hog pork," on one of the heads thereof.
Cargo pork.	(1379.) SEC. 20. The fourth quality of pork shall be denominated "cargo pork," of which there shall not be in a barrel more than thirty pounds of head, nor more than four shoulders, and it shall otherwise be merchantable pork; and one head of every such barrel or half-barrel of such pork, shall be branded with the words "Cargo pork."
How salted.	(1380.) SEC. 21. Every barrel of pork shall be well salted with good clean salt, equal to seventy pounds of good Turk's Island salt, exclusive of a strong, new pickle; and every half-barrel shall be salted in the same proportion.
Fees for inspection.	(1381.) SEC. 22. The inspectors and their deputies shall be allowed the following, and no other fees, for inspecting and branding casks of beef and pork, and giving a certificate thereof, to wit: For every barrel, fifteen cents, and for every half-barrel, ten cents, which charges shall be paid by the person employing the inspectors, together with the sum of twenty-five cents for each barrel, and

teen cents for each half-barrel, for packing and coopering the same, if done by him.

(1382.) SEC. 23. If any inspector or deputy inspector shall unreasonably neglect or refuse to inspect or brand, on application made to him for that purpose, or shall be guilty of any neglect or fraud in inspecting, packing, or branding any casks of beef or pork, contrary to the provisions of this chapter, or shall mark with his brands any casks containing beef or pork which has not been actually inspected, he shall forfeit the sum of ten dollars for each offense. Penalty for neglect or fraud.

(1383.) SEC. 24. If any person other than an inspector or deputy inspector shall brand any cask of beef or pork as having been inspected, he shall forfeit a sum not exceeding twenty dollars for each cask so unlawfully branded. Unlawful branding, penalty for.

(1384.) SEC. 25. If any person shall, with intent to defraud, intermix, take out, or change any beef or pork from any cask inspected or branded as aforesaid, or shall put into such cask any other beef or pork for sale or exportation, contrary to the provisions of this chapter, he shall forfeit for each offense a sum not exceeding twenty dollars. Penalty for intermixing.

SEC. 26.¹

BUTTER AND HOGS' LARD.

(1385.) SEC. 27. Each inspector of butter and hogs' lard shall, before entering upon the duties of his office give bond, with sufficient sureties to the Treasurer of this State, in the penal sum of five hundred dollars; which bond shall be approved by the county clerk, and lodged with the treasurer of the county for which such inspector is elected. Inspectors of butter, etc., to give bond.

(1386.) SEC. 28. Each of the inspectors of butter and lard shall, annually, in the month of December, make a return to the Secretary of State, of the whole number of casks, the different qualities, and the weight of each quality of butter and lard inspected by him and his deputies during the year next preceding the first day of said December. Annual returns.

(1387.) SEC. 29. The inspectors or their deputies shall examine casks, kegs, and firkins containing butter or hogs' lard, on application made by any person, and shall, with a proper instrument, perforate the contents of such casks, kegs, or firkins, from one head to the other, and thereby draw out so much as shall determine Mode of making inspection.

¹ Repealed by Act 925 of 1860, p. 281.

the quality of the whole; and they shall see that it has been served with a due proportion of good fine salt, that it is sweet pure, and otherwise merchantable.

Keg or firkin;
how branded.

(1388.) SEC. 30. Each cask, keg, or firkin of butter or hogs' lard, which appears to be good and merchantable, shall be branded in plain and legible characters, with the word "Butter," or "Hogs' lard," as the same may be, and "First," or "Second," or "Third," according to its quality; and all other butter or hogs' lard shall be branded with the word "Refuse."

Ibid.

(1389.) SEC. 31. Each cask, keg, or firkin of butter or hogs' lard shall also be branded with the weight of the contents thereof, with the word "Michigan," the name of the township where the same shall be inspected, the initial letter of the inspector or deputy inspector, his Christian name, and the whole of his surname, and the month and year in which the same may be inspected; and where the name of the month consists of more than one syllable, it may be abbreviated.

Casks; how
made.

(1390.) SEC. 32. All casks, kegs, or firkins, in which butter or hogs' lard shall be packed for exportation, shall be made of solid and well seasoned white oak or white ash staves and heading, bound with oak, ash, or walnut hoops.

How prepared.

(1391.) SEC. 33. Each cask, keg, or firkin, before any butter or hogs' lard shall be packed therein, shall be filled with a strong brine, which shall remain therein three days, and as soon as the brine is emptied from the cask, keg, or firkin, it shall be weighed by the owner of such butter or hogs' lard, who shall, with a marking iron, mark on one of the heads thereof the full weight of the cask, keg, or firkin, and shall brand thereon the initial letter of his Christian name and the whole of his surname.

Fees for inspection.

(1392.) SEC. 34. The inspector, or any deputy, for his services in inspecting, branding, weighing, and delivering to the owner an invoice or weigh-note, under his hand, of the weight of each cask, keg, or firkin, shall receive five cents for each cask, keg, or firkin to be paid by the person employing him.

Penalty for neglect or delay.

(1393.) SEC. 35. If any inspector or deputy inspector shall neglect to make application made for the inspection of any butter or hogs' lard as aforesaid, unreasonably neglect, refuse, or delay to proceed with such inspection and branding for the space of three hours after application made to him, he shall, for each offense, forfeit the sum of five dollars.

Penalty for counterfeiting brand, etc.

(1394.) SEC. 36. If any person shall counterfeit any brand used by any inspector or deputy inspector, or if any person shall make use of any such counterfeit brand, or of the brand of any inspector

or deputy, to impress or brand any cask, keg, or firkin of butter or hogs' lard, he shall forfeit for each offense the sum of ten dollars; and if any owner of butter or hogs' lard shall falsely mark any cask, keg, or firkin thereof, or cause the same to be falsely marked, he shall forfeit the sum of three dollars for each offense.

(1395.) SEC. 37. If any person shall, with intent to defraud, intermix, take out, or change any butter or 'hogs' lard, from any cask, keg, or firkin inspected and branded as aforesaid, or shall put into such cask, keg, or firkin, any other butter or lard for sale or exportation, without first cutting out the said brands and marks, the person so offending shall, for each such cask, keg, or firkin, forfeit the sum of ten dollars. Penalty for intermixing.

FISH.

(1396.) SEC. 38. Each inspector of fish, before entering upon the duties of his office, shall give bond, with sufficient sureties, to the Treasurer of this State, in the penal sum of one thousand dollars; which bond shall be approved by the county clerk and lodged with the treasurer of the county for which such inspector is elected. Inspectors of fish to give bond 17 Mich. 498.

(1397.) SEC. 39. Each inspector of fish shall, annually, in the month of December, make a return to the Secretary of State, of the quantity of fish inspected by him and his deputies during the year next preceding the first day of said December; and in each return he shall specify the different kinds and qualities, and the quantity of each quality so inspected. Annual returns.

(1398.) SEC. 40. The inspector and his deputies shall, on application made to them for that purpose, proceed to examine any pickled fish submitted for inspection, and shall see that the same have been well struck with salt or pickle in the first instance, and preserved sweet, free from rust, taint, or damage; and such fish as shall be found in good order, and of a good quality, shall be packed, either in barrels containing two hundred pounds, or in half-barrels containing one hundred pounds. Inspection.

(1399.) SEC. 41. Such fish shall be packed with good, clean salt, suitable for the purpose, and after packing said fish with sufficient salt to preserve them, and heading said casks, they shall be filled up with a clean, strong pickle; and the fish denominated white-fish, of good quality, properly cleaned, and in good order, may be packed as aforesaid, without having been previously salted or pickled. How packed.

(1400.) SEC. 42. Each cask shall be filled with fish of one and the same kind; and the inspectors and their deputies shall brand, Denominations, and how branded

in plain, legible letters, on the head of each cask of fish inspected by them respectively, "Number one," or Number two," representing the quality of the fish packed or repacked. He shall also brand on one head of each cask, the denomination of the fish, the initials of the Christian name and the whole of the surname of the inspector or deputy, the name of the county in which such fish are inspected, the word "Michigan," and the month and year of the inspection.

Penalty for
frauds.

(1401.) SEC. 43. If any person, with intent to defraud, shall intermix, take out, or change any inspected fish, which shall be packed and branded as aforesaid, or shall put any other fish in any cask so branded, for sale or exportation, or if any person shall counterfeit any brand marks of any inspector or deputy, on any cask containing fish, he shall forfeit fifteen dollars for each offense.

Casks; how
made.

(1402.) SEC. 44. All casks used for packing and repacking packed fish shall be made of sound, well seasoned, white, red, or black oak, white ash, or white pine timber. The barrels and half-barrels shall be well hooped, with at least ten good hoops each, and shall be made in a substantial, workmanlike manner.

Fees of inspectors
of fish.

(1403.) SEC. 45. The fees for inspecting and branding shall be for each barrel, ten cents, and for each half-barrel, six cents; for overhauling, inspecting, repacking, and branding, for each barrel, twenty cents, and for each half-barrel, twelve cents, exclusive of cooperage; which fees shall be paid by the person employing the inspector.

Penalty for selling or transporting tainted fish, etc.

(1404.) SEC. 46. If any person shall sell within this State any fish which shall export, or cause to be exported therefrom, any tainted or otherwise damaged fish, unless with the intent that the same shall be used for some other purpose than as food, he shall forfeit a sum of ten dollars for every one hundred pounds of such fish, in the same proportion for any other quantity thereof; and upon any trial in such case, the burden of proof shall be upon the defendant, to show for what purpose such fish were so exported or sold.

Penalty on an inspector for certain frauds.

(1405.) SEC. 47. If any inspector or deputy inspector of fish shall brand any cask of fish, the contents of which he has not inspected and ascertained to be good, or if he shall permit any other person to use his brand, in violation or evasion of the provisions of this chapter, he shall forfeit, for each offense, the sum of twenty dollars, and shall also be removed from office.

FLOUR AND MEAL.

(1406.) SEC. 48. Each inspector of flour and meal, before entering upon the duties of his office, shall give bond with sufficient sureties, for the faithful performance of the duties of his office, in the penal sum of one thousand dollars, which shall be approved by the county clerk and lodged with the treasurer of the county for which such inspector is elected.

Bond of inspector of flour and meal.

(1407.) SEC. 49. Each inspector of flour and meal shall, annually, in the month of December, make a return to the Secretary of State, of the quantities and qualities of flour and meal inspected by him and his deputies during the year preceding the first day of said December.

Annual returns.

(1408.) SEC. 50. All wheat flour, rye flour, and buckwheat meal, manufactured in this State for sale or exportation, shall be packed in good and strong casks, made of seasoned oak or other sufficient timber, and hooped with at least ten good and substantial hoops, three of which shall be on each chime, and properly nailed.

How packed.

(1409.) SEC. 51. The casks shall be of two sizes, one of which shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches in length, and each head sixteen and one half inches in diameter; the other size shall contain ninety-eight pounds, with staves twenty-two inches long, and each head fourteen inches in diameter.

Sizes and capacity of casks.

(1410.) SEC. 52. The casks shall be made as nearly straight as may be, and their tare shall be accurately marked on one head with a marking iron, and they shall also be branded with the weight of the flour or meal contained therein, and with the initials of the Christian and the whole of the surname of the manufacturers thereof, except when such flour or meal shall be manufactured by a company, when the cask may be branded with the name of such company.

Casks, how made and branded.

(1411.) SEC. 53. Every such cask of wheat flour shall also be branded as follows, namely: If of a superior quality, "Superfine," if of a second quality, "Fine," if of a third quality, "Fine middlings," if of a fourth quality, "Middlings."

Brands of wheat flour.

(1412.) SEC. 54. Each cask of rye flour of the first quality shall be branded with the words "Superfine rye flour," and each cask of the second quality, with the words "Fine rye flour," and each cask of buckwheat meal shall be branded with the words "B. meal."

Of rye flour, etc.

(1413.) SEC. 55. When the flour or meal has been packed and branded according to the preceding provisions, application may be

Application for inspection, etc.

made to an inspector or deputy inspector of flour and meal, a shall be his duty to examine and determine the quality of same.

Duties of inspector.

(1414.) SEC. 56. It shall be the duty of the inspector or deputy

First. To ascertain, by examination, the weight of all casks which he may suspect of being falsely tared;

Second. To alter and correct the brands in all cases where he shall be of opinion that they do not designate the real quality of the flour or meal;

Third. To weigh such casks as he shall suspect do not contain the full weight, and, if they do not contain the full weight, to rebrand them with the word "Light;"

Fourth. To brand all casks containing flour or meal so damaged as not to be fit for exportation, with the word "Bad;" and

Fifth. On all casks made, branded, and packed according to the provisions of this chapter, to brand in a legible manner, on the head thereof, the initials of his Christian and the whole of his name, together with the name of the county where the inspection has been made.

Fees of inspectors.

(1415.) SEC. 57. Every inspector or deputy inspector of flour and meal shall be entitled to receive for inspecting, boring, branding, and plugging each barrel and half-barrel, three cents, and for weighing and ascertaining the light weight or under tare of flour and half-barrel three cents.

Penalty for counterfeiting brand-marks, etc.

(1416.) SEC. 58. Every person who shall alter or counterfeit the brand-marks of the inspector or deputy, or of the manufacturer made under the provisions of this chapter, shall forfeit the sum of ten dollars for every cask the brand of which shall be so altered or counterfeited; and every person who shall put any flour or meal into an empty cask branded by an inspector, and offer the same for sale in such cask, without first cutting out the brands, shall forfeit for each offense the sum of five dollars.

LEATHER.

Bonds of inspectors of leather.

(1417.) SEC. 59. Each inspector of leather shall, before entering upon the duties of his office, give bond to the Treasurer of the State, in the penal sum of two hundred and fifty dollars, with sufficient sureties; which bond shall be approved by the county and lodged with the treasurer of the county for which the inspector is elected.

Annual returns.

(1418.) SEC. 60. Each inspector of leather shall, annually, on the month of December, make a return to the Secretary of

of the number and weight of all the sides of sole leather inspected by him and his deputies during the year ending on the first day of that month; and in such return he shall designate the quantity of each quality of leather so inspected.

(1419.) SEC. 61. Every inspector or deputy, when requested, shall inspect all sole leather offered for his inspection, and he shall furnish himself with proper scales, weights, and seals for such purpose, and shall weigh each side of sole leather which he shall inspect, and impress thereon the initials of his Christian and the whole of his surname, and the name of the county for which he is inspector or deputy, at full length, and also the weight thereof. Sole leather, how inspected.

(1420.) SEC. 62. On all sole leather which such inspector or deputy shall find, upon inspection, to be manufactured of good hides, in the best manner, he shall impress the word "Best;" and on all manufactured of good hides, in a merchantable manner, the word "Good;" and on all manufactured of damaged hides, in a merchantable manner, the word "Damaged;" and on all sole leather not belonging to any of the qualities aforesaid, the word "Bad." How branded.

(1421.) SEC. 63. If any person shall, with intent to defraud, alter or deface such mark on any side of sole leather so inspected, or shall counterfeit such marks, he shall, for each offense, forfeit the sum of twenty-five dollars. Penalty for fraud.

(1422.) SEC. 64. The inspector, or his deputy, shall be paid for inspecting, weighing, and sealing each side of sole leather, the sum of four cents, to be paid by the person employing him. Fees for inspecting.

(1423.) SEC. 65. If any side of sole leather shall, when dried in a merchantable manner, so vary as to weigh five per cent more or less than the weight marked thereon by the inspector who inspected the same, he shall be liable to pay the whole variation, at a fair valuation, to be recovered in an action on the case by the party injured thereby. Inspector liable in case of variation in weight.

(1424.) SEC. 66. If any inspector or deputy inspector of leather, on application made to him for the inspection of any sole leather, shall, for the space of three hours, unreasonably refuse or neglect to make such inspection, he shall, for each offense, forfeit the sum of five dollars. Penalty for neglect, etc.

POT AND PEARL ASHES.

(1425.) SEC. 67. Each inspector of pot and pearl ashes shall, before entering upon the duties of his office, given bond to the Treasurer of this State, with sufficient sureties, in the penal sum Bond of inspector of pot and pearl ashes.

of five hundred dollars; which bond shall be approved by county clerk and lodged with the treasurer of the county in which such inspector is elected.

Annual returns. (1426.) SEC. 68. Each inspector of pot and pearl ashes shall annually, in the month of December, make a return to the Secretary of State, of the number of casks of pot and pearl ashes inspected by him and his deputies during the year ending on the first day of that month, specifying the number of each kind, and of each brand, and the weight of each quality.

How branded, etc., by manufacturer. (1427.) SEC. 69. Every manufacturer of pot and pearl ashes shall brand each cask containing the same with the initial letters of his Christian name and the whole of his surname, or with the name of the company, if the same shall have been manufactured by a company, and with the name of the township, village, or city where the same shall have been manufactured before the same shall be removed from the manufactory.

Examination by inspector. (1428.) SEC. 70. The inspectors and their deputies shall, within their respective counties, examine all pot and pearl ashes submitted to them for inspection; and they shall remove the same from the casks, and carefully inspect and determine the quality of the same, and sort the same into three different sorts, if necessary.

Sorting and branding by inspector. (1429.) SEC. 71. They shall put each sort into casks by itself, in which they shall distinguish by the words, "First sort," "Second sort," or "Third sort," with the words, "Pot ashes," or "Pearl ashes" as the same may be, branded thereon in plain, legible characters, together with the weight thereof, the initial letters of the inspector's or deputy's Christian name and the whole of his surname, the place where such pot or pearl ashes shall be inspected, and the word "Michigan," at full length, on one head of each cask.

Fees for inspection, etc. (1430.) SEC. 72. The inspector or his deputy shall receive for inspecting, weighing, and branding, and delivering to the owner an invoice or weigh-note, under his hand, of the weight of each cask of pot and pearl ashes, the sum of six cents for every hundred pounds so inspected; and if any cask shall be coopered or nailed by him, he shall receive therefor the further sum of two cents.

Penalty on inspector for neglect, etc. (1431.) SEC. 73. If any inspector or deputy inspector shall, on application made to him for the inspection of any pot or pearl ashes, unreasonably refuse or neglect to make such inspection within the space of three hours after such application, the inspector or deputy so refusing or neglecting shall, for each offense, forfeit the sum of five dollars.

(1432.) SEC. 74. Every cask in which pot or pearl ashes shall be packed for exportation shall be made of sound and well seasoned oak or white ash staves and heading, full bound, not less than twenty-nine inches in length and nineteen inches in diameter in the head, and of such weight, in proportion to its contents, as will amount, as near as may be, to fourteen per cent tare thereon.

(1433.) SEC. 75. The inspector or deputy, after removing the pot or pearl ashes from the cask for inspection, shall weigh each cask, and mark the weight with a marking iron on the head thereof.

(1434.) SEC. 76. If any person shall, with intent to defraud, brand any pot or pearl ashes manufactured by himself, with the name of any other person, or shall brand any such cask manufactured by another person with his own name, or shall counterfeit any brand belonging to or proper to be used by the inspector or any deputy, to impress or brand any cask of pot or pearl ashes, he shall forfeit and pay, for each offense, the sum of fifty dollars.

(1435.) SEC. 77. If any person shall, with intent to defraud, take out of any cask of pot or pearl ashes, inspected and branded as required by this chapter, any portion of the contents thereof, and put into the same any other pot or pearl ashes, or shall put into any empty cask which shall have been branded by the inspector as aforesaid, any pot or pearl ashes, for sale or exportation, without first cutting out the said brand-marks, the person so offending shall, for each such cask, forfeit the sum of ten dollars.

BEER, ALE, AND CIDER.

(1436.) SEC. 78. No person shall sell, or expose for sale any ale or beer, in barrels, half-barrels, casks, or kegs, of a less capacity, respectively, than barrels of thirty-two gallons each, half-barrels of sixteen gallons each, and casks or kegs of ten gallons each, unless such other barrels, half-barrels, casks, or kegs, shall be conspicuously and permanently marked, on both heads, with the true measure thereof in gallons.

(1437.) SEC. 79. Any person offending against the provisions of the last preceding section, shall forfeit the value of the ale or beer so exposed for sale or sold, and the barrels, half-barrels, casks, or kegs containing the same.

(1438.) SEC. 80. In all contracts for the sale of any ale, beer, or cider, by the barrel or half-barrel, the barrel shall be deemed to contain thirty-two gallons and the half-barrel sixteen gallons, unless the parties otherwise agree.

STAVES AND HEADING.

Cullers of staves
and heading;
their election,
oath of office,
etc.

(1439.) SEC. 81. In every county from which staves are usu exported, there may be elected two or more suitable persons, to cullers of staves and heading, and who shall, before entering u the duties of their offices, take and subscribe the constitutio oath of office, and cause the same to be filed in the office of clerk of the county within which the duties of their offices ar be performed, and shall hold their offices for the term of five y from the time of their respective elections, unless sooner remo from office by the Governor.

Compensation.

(1440.) SEC. 82. They shall be allowed for their time and serv in culling and inspecting staves, as follows, namely: For ev thousand long butt staves, one dollar and twenty-five cents; every thousand short butt staves, one dollar; for every thous pipe staves, fifty cents; for every thousand hogshead staves heading, thirty-seven and a half cents; and for every thous barrel staves and heading, twenty-five cents, to be paid by owner thereof.

Inspecting and
culling.

(1441.) SEC. 83. All staves or heading intended for sale exportation may be inspected and culled, by a culler of staves heading, at or near the place of sale or exportation; and n shall be culled as merchantable unless they shall be of description required in the following sections.

Butt staves.

(1442.) SEC. 84. All long butt staves shall be of good white timber, five feet six inches long, and all short butt staves shall b good white oak timber, four feet six inches long, and both at l five inches broad when dressed, clear of sap, two inches thick the thinnest edge, and not more than two and a half inches th in any place, and they shall be regularly split with the grain of wood, and free from twist, and otherwise good and sufficient.

Pipe staves.

(1443.) SEC. 85. All pipe staves shall be made of good white timber, four feet six inches long, and shall work three inches br when dressed, clear of sap, and shall be three-quarters of an i thick on the thinnest edge, regularly split with the grain of wood, and shall not have more than six worm-holes, and be oth wise good and sufficient.

Hogshead
staves.

(1444.) SEC. 86. All hogshead staves shall be made of good w oak timber, three feet six inches long, and shall work three inc broad when dressed, clear of sap, and shall be three-quarters o inch thick on the thinnest edge, regularly split with the grain the wood, and shall not have more than four worm-holes, and s be otherwise good and sufficient.

(1445.) SEC. 87. All barrel staves shall be made of good white Barrel staves. oak or white ash timber, two feet six inches long, and shall work three and a half inches broad when dressed, clear of sap, and shall be three-quarters of an inch thick on the thinnest edge, regularly split with the grain of the wood, and shall not have more than three worm-holes, and be otherwise good and sufficient.

(1446.) SEC. 88. All hogshead heading shall be made of good Hogshead heading. white oak timber, two feet eight inches long, and not less than five inches broad, clear of sap, two-thirds of which shall be suitable for middle pieces, and shall not be less than three-quarters of an inch thick on the thinnest edge, regularly split with the grain of the wood, and be otherwise good and sufficient.

(1447.) SEC. 89. If any culler shall connive at or be guilty of Penalty on culler for fraud and neglect. any fraud in the culling of staves or heading, he shall forfeit the sum of fifty dollars for each offense; and in case any culler of staves and heading shall unreasonably neglect or refuse to attend to the services required of him, when he shall be thereunto requested, he shall forfeit the sum of fifty dollars for every such neglect or refusal.

(1448.) SEC. 90. Nothing in this chapter contained shall be Construction of this chapter. 17 Mich. 398. so construed as to render it obligatory upon any person to have any of the articles therein mentioned inspected; but all contracts for the sale or manufacture of any such articles shall be deemed to be made with reference to the provisions of this chapter regulating the quality, quantity, and other description thereof, respectively, unless the parties shall otherwise expressly agree.

An Act to prevent the adulteration of alcoholic liquors, and to punish all persons who shall sell or offer to sell adulterated liquors and other adulterated beverages.

[Approved February 15, 1859. Laws of 1859, p. 553.]

(1449.) SECTION 1. *The People of the State of Michigan enact,* Adulteration of liquors a misdemeanor. That if any person shall adulterate any spirituous or alcoholic liquors, by mixing the same with any substance of whatever kind, except as hereinafter provided; or if any person shall sell or offer to sell any wine or spirituous or alcoholic liquors, or shall import into this State any wine or spirituous or intoxicating liquors, and sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors, not inspected as hereinafter provided, he or she or they shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dol-

- Penalty.** lars nor less than one hundred dollars, and shall be imprisoned in the jail of the county not more than thirty nor less than thirty days.
- Inspectors.** (1450.) SEC. 2. The probate judge in each county in this State shall appoint one or more competent chemists as inspectors, and the duty it shall be to inspect all alcoholic liquors imported into and manufactured in the county in which he is inspector, unless the same shall have the inspector's brand of some other county in this State; which brand shall be evidence of the purity of the article.
- Duty of inspectors.** (1451.) SEC. 3. It shall be the duty of said inspectors to examine and chemically test all the spirituous and alcoholic liquors and wines offered and kept for sale by any person or persons engaged in retailing such beverages, once every three months, and at such times as he may elect in each three months, and also whenever he may be desired to do so by the written request of five citizens residing in the vicinity of the place of business or sale of the persons so engaged in retailing such beverages, and when he shall find any adulterated alcoholic liquors or wines in the possession of any person engaged in the sale of alcoholic and other beverages, he shall seize the same and give notice of the fact to the prosecuting attorney, as provided in the preceding section; and if such persons shall be found guilty, said inspector shall forthwith destroy such adulterated liquors and wines, and the person so found guilty shall be punished by fine and imprisonment to the extent provided in section one of this act.
- Destruction of liquors.**
- Bond of inspector.** (1452.) SEC. 4. Said inspector shall, before entering upon the duties of his office, file in the office of the county treasurer of the proper county, an official bond in the sum of one thousand dollars, conditioned for the faithful discharge of his duties, with such sureties as shall be approved by the judge of probate, and run to the county, and shall take and subscribe an oath to faithfully discharge the duties of his office.
- Oath.**
- Inspection of liquors.** (1453.) SEC. 5. Said inspector shall keep an accurate account of all liquors by him inspected, and place his mark on the casks, packages, or vessels; "Pure," if so found, if not, "Impure;" and when he shall find any adulterated liquors, he shall give notice to the prosecuting attorney of the county of the person owning the same, offering for sale, or offering for sale such adulterated liquors, and shall forthwith institute proceedings against such persons, as hereinafter provided; and if, upon said trial, he, she, or they shall be found guilty of a violation of any of the provisions of this act, the inspector shall forthwith destroy such adulterated liquor.
- Prosecuting attorney to institute proceedings**

inspectors shall each be entitled to receive for their services afore- Compensation.
said three dollars per day, and mileage at the rate of five cents per
mile for each mile he may necessarily be required to travel in the
discharge of his duties, from the owner of the same, or the person
offering to sell.

(1454.) SEC. 6. Any person who shall put into any barrel, cask, Penalty for
or other vessel, branded or marked "Pure" by any inspector in this fraud.
State, adulterated liquors, or sell or offer for sale such liquors for
the purpose of deceiving any persons by the sale thereof, shall be
deemed guilty of an attempt to practice a fraud, and upon convic-
tion thereof shall be imprisoned in the penitentiary not more than
twelve months.

(1455.) SEC. 7. The provisions of this act shall not be so con- Exceptions.
strued as to prevent druggists, physicians, and persons engaged in
the mechanical arts, from adulterating liquors for medical and
mechanical purposes.

(1456.) SEC. 8. Prosecutions for a violation of any of the provis- Prosecutions,
ions of this act shall be commenced by information in the record- how commenced
er's court of the city of Detroit, or in the probate court of any
county, by the prosecuting attorney of the county in which the
offense shall be committed, which information shall be filed with
the proceedings in any previous examination before any justice of
the peace, and the proceedings after the filing of the information,
or information and proceedings as aforesaid, shall be the same as
in criminal cases in the recorder's court aforesaid, or in the circuit
or district courts of this State.

(1457.) SEC. 9. None of the provisions of this act shall be con- Construction.
strued to conflict with or repeal any of the provisions of "An act
to prevent the manufacture and sale of spirituous or intoxicating
liquors as a beverage," approved February third, eighteen hundred
and fifty-five, or any amendment thereto.

An Act to regulate the manufacture, and provide for the inspection, of salt.

[Approved March 6, 1869. Laws of 1869, p. 34.]

(1458.) SECTION 1. *The People of the State of Michigan enact,* Salt must be in-
That no salt manufactured in this State after this act takes effect, spected.
shall be sold within the State, nor exported therefrom, until the
same shall first be duly inspected as provided in this act. Any
person who shall violate the provisions of this section, shall pay, Penalty for vio-
for the use of the people of this State, as a fine, the sum of twenty lating provisions
of this section.

Penalty for selling or exporting in violation of this act.	cents for each bushel of salt sold or exported contrary to the provisions of this act. In case any manufacturer of salt shall knowingly sell, or export, or permit to be sold or exported, salt contrary to the provisions of this act, he shall, on conviction thereof, be liable to a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding ninety days: <i>Provided</i> , That nothing in this act shall apply to any salt packed and in the hands of dealers when this act takes effect.
Proviso.	
Inspector of salt, appointment of.	(1459.) SEC. 2. Immediately after the passage of this act, every six years thereafter, there shall be appointed by the Governor of this State, by and with the advice and consent of the Senate, an inspector of salt who shall be a person of competent skill, ability, and who shall hold his office for six years and until his successor shall be appointed and qualified, unless sooner removed for cause. He shall at all times be subject to removal by the Governor for cause; and in addition to other causes which may amount to incompetency, or inefficiency in the performance of the duties devolved on him by this act, shall be deemed good cause for removal. In case of vacancy in the office, it shall be the duty of the Governor to fill the same by appointment, immediately upon receiving notice thereof, and such appointment shall hold until the close of the next session of the Senate; and, in the meantime, the Governor shall, with the consent of the Senate, appoint to fill the vacancy for the unexpired portion of the term.
Term of office.	
Governor may remove for cause.	
Vacancy in office; how filled.	(1460.) SEC. 3. Immediately after his appointment and qualification, the inspector shall divide the salt-making territory of this State into so many inspection districts as he may judge necessary, and shall appoint for each district one or more competent and efficient deputy inspectors, who shall hold office at the pleasure of the inspector, and for whose acts he shall be responsible. Such districts may be changed from time to time, as may be necessary. The inspector shall give his entire time, skill, and attention to the duties of his office, and shall not be engaged in any other business or occupation.
Inspector to divide territory into districts, and appoint deputies.	
Salary of inspector. Expenses.	(1461.) SEC. 4. The inspector shall be entitled to receive an annual salary of twenty-five hundred dollars. He shall also be allowed the further sum of five hundred dollars annually for the expenses of providing and furnishing his office, and for clerk hire, stationery, books, and printing. His deputies shall be entitled to such sums, in each case, as he may approve, not exceeding in any case the sum of one hundred dollars per month for the time actually employed. All salaries and expenses provided for by
Salaries of deputies.	

act shall be retained by the inspector out of the money received under section five of this act, and accounted for, and paid out by him as provided in this act; salaries to be paid monthly: *Provided*, That in case the amount of money received for the inspection of salt, according to the provisions of section five, shall not be sufficient to pay the salaries and expenses of the inspector and his deputies, as provided herein, that the amount of such deficiency shall be deducted from said salaries *pro rata* to each.

Salaries, etc.,
how paid.

Proviso.

(1462.) SEC. 5. Each person, firm, company, and corporation engaged in the manufacture of salt, or for whom any salt shall be inspected, shall from time to time as salt is inspected, or offered for inspection, pay on demand to the inspector, or the deputy of the district where the salt is inspected, three mills for each bushel of salt inspected or offered for inspection: *Provided*, That the

Three mills to
be paid for each
bushel inspected

same may be required to be paid in advance: *And provided further*, Ibid.

Proviso.

That but one inspection fee shall be paid upon the same salt. In case any person, firm, company, or corporation shall neglect or refuse to pay such inspection fees, on demand, at his, their, or its office or manufactory, the party so refusing shall be liable to an action therefor, in the name of the inspector; and the certificate of inspection, with proof of the signature of the inspector, or deputy giving the same, shall be *prima facie* proof of the liability and the extent of liability of the party so in default; and it shall be lawful for the inspector and his deputies to refuse to inspect salt manufactured at the works so in default, until the amount due is paid. All money received by or paid to any deputy inspector under this section shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company, and corporation engaged in the manufacture of salt, and all other things appertaining to the duties of the office, and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.

Neglect or re-
fusal to pay.

Moneys received
to be paid to in-
spector.
Inspector shall
keep accounts.

Books and ac-
counts shall be
open for inspec-
tion.
Deemed books
of the office.

(1463.) SEC. 6. The inspector shall, before entering upon the duties of his office, take the oath prescribed by the Constitution of this State, which oath shall be filed in the office of the Secretary of State. He shall execute a bond to the people of this State, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall have at least

Oath of inspect-
or; where filed.

Bond where
filed.

Persons injured
may maintain
action on bond.

two sureties, and shall be subject to the approval of the State Treasurer, and, when approved, shall be by such Treasurer taken and deposited in his office; and the inspector shall renew his bond every year. Any person or corporation injured by the neglect, default, or misfeasance of such inspector, or by his neglect, default, or misfeasance of any of his deputies, may maintain an action on such bond, in the name of the people, for the use of the party prosecuting, and shall be entitled to recover the full amount of damages sustained.

Oath of deputies

Bond.

(1464.) SEC. 7. Each of the deputies appointed by the inspector shall take the oath of office prescribed by the Constitution, and shall give bond to the inspector, in such sum, and with such sureties as he may approve, conditioned for the faithful performance of his duties as such deputy; and in case said inspector shall be obliged to pay any sum for the neglect or default or misfeasance of any deputy, he may recover of such deputy and his sureties on such bond, the amount he was obliged to pay, with accruing interest.

Location of
office.

Office hours.

Reports of deputies.

(1465.) SEC. 8. The inspector shall keep his principal office in the city of East Saginaw, and the deputy for the district of East Saginaw may occupy the same office. This office shall be open at all times during business hours. All the books, records, and accounts shall be kept at this office, and each deputy shall, at least once in each week, make written report, by mail or otherwise, to the inspector, of the salt inspected by him during the week, stating for whom, and the quantity and quality thereof. Abstracts of these reports shall be entered in books provided for that purpose. Said inspector shall, in proper books, keep a full record of all his transactions; and such books shall also be open for the examination of all persons wishing to examine the same during office hours.

Record of same.

Inspector not to
have interest in
salt.

(1466.) SEC. 9. The inspector shall not be in any way concerned in the manufacture or selling of salt, or have any interest whatsoever, directly or indirectly, in any salt manufactory, or erection for manufacturing salt in the State of Michigan, or in the profits of such manufactory.

Visits of deputy.

(1467.) SEC. 10. It shall be the duty of the deputy, in each district, to visit, once in each day, Sundays excepted, each salt manufactory in his district, when in operation, and to ascertain if there be therein any salt of bad quality, and such as ought not to be in inspection.

Visits of inspector.

(1468.) SEC. 11. It shall be the duty of the inspector to visit the manufactories in which salt is made, that may be in operation in the different districts, as often as practicable.

(1469.) SEC. 12. The inspector or deputy, at each visit, as provided in this act, shall carefully examine the salt in the bins, and the brine in kettles, or pans, or vats in which the salt is manufactured. If the salt in the bins, or any part thereof is of bad quality, and such as ought not to pass inspection, or if the brine in the kettles, or pans, or graining-vats have not been cleansed, he will direct and see that the owner, or occupant, or boiler, or other person having charge of the manufactory, remove the bad salt from the bin and place it with second quality salt, or throw it among the bitterns, as the inspector or deputy may direct, and the impure brine in the kettles, or pans, or graining-vats be thrown out, and new brine substituted.

Duties when inspecting.

(1470.) SEC. 13. No lime or lime-water shall be used by any person in the manufacture of salt, in the kettles, or pans, or graining-vats used for manufacturing, under a penalty of twenty-five dollars and costs for each offense, to be sued for in the name of the people of this State: *Provided*, That iron vessels used in the manufacture of salt may be white-washed, when cool, to prevent the accumulation of rust.

No lime or lime-water to be used.

Proviso.

(1471.) SEC. 14. Every person desiring to have salt inspected shall apply to the inspector or deputy inspector of the district where the same shall be, which inspector or deputy inspector shall thereupon actually examine the salt so offered for inspection, in the package in which the same may then be.

Application for inspection.

(1472.) SEC. 15. To facilitate such examination, it shall be the duty of the person or company offering the salt for inspection, to unhead or bore the barrel, or to open the bag or other package in which the salt is contained, as may be directed by the inspector or deputy inspector, so as to expose the salt to his touch, view, and examination.

To facilitate examination.

(1473.) SEC. 16. The inspector or deputy inspector shall not pass any salt as good, unless he shall find it to be well made, free from dirt, filth, and stones, and from admixture of lime, or ashes of wood, and of any other substance which is injurious to salt, fully drained from pickle, the bitterns properly extracted therefrom, and manufactured as directed by this act and by the rules and regulations of the inspector.

What qualities salt to contain.

(1474.) SEC. 17. The person or company offering the same for inspection shall in all cases provide the necessary force to lift the salt while the inspector or deputy weighs or measures it, and shall also furnish the necessary help and material to brand the salt for and under the direction of the inspector or deputy inspector.

Assistance to inspector.

- Manufacturer to provide scale.** (1475.) SEC. 18. Each manufacturer shall provide a scale balance at his works, to be examined from time to time and approved by the inspector, in which all the salt offered for inspection at his works may be weighed.
- Certificate of inspection.** (1476.) SEC. 19. Each inspector or deputy shall deliver to every party for whom he shall inspect salt, a certificate of the quantity and quality inspected, and shall thereupon brand, or mark with durable paint, the package containing the salt so inspected, with the surname of the inspector at length, and the initials of his Christian name, with the addition of the word "Inspector," in letters at least one inch in length, and shall mark upon the head of the barrel or cask, or upon the sack, with a marking iron or durable paint, the number of pounds of salt contained in such package.
- Brand.**
- Make of barrels.** (1477.) SEC. 20. If the said salt shall be put up in barrels, they shall not be marked unless the barrels are thoroughly seasoned, stout, and well made, with at least ten good, strong hoops, to be well nailed and secured.
- Counterfeiting brand of inspector or deemed felony; fine therefor.** (1478.) SEC. 21. Every person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the false or fraudulent making or counterfeiting the mark or brand of any inspector or deputy inspector, on any package containing salt, shall be deemed guilty of felony, and on conviction thereof, shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the State Prison for a term not less than one nor more than six years, or both, in the discretion of the court.
- Salt to be inspected before packed.** (1479.) SEC. 22. No manufacturer or other person shall pack or cause to be packed, in barrels, casks, boxes, or sacks, any salt until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle, and otherwise fit to pack.
- Inspector may examine all bins of salt.** (1480.) SEC. 23. The inspector and his deputies, in their daily examination of the several salt manufactures [manufactories], may examine all bins of salt, for the purpose of ascertaining whether any salt is packed contrary to the provisions of the foregoing section.
- Penalties of packing before inspection.** (1481.) SEC. 24. If any manufacturer or other person shall pack any salt before the inspector or one of his deputies shall have determined that it is fit for packing, he shall forfeit the sum of twenty-five cents for every bushel of salt so packed.
- Barrels, etc., once used.** (1482.) SEC. 25. Barrels, casks, or sacks in which salt shall have been packed and inspected, shall not again be used for the packing of salt therein, until the mark or brands made by the inspector

shall be first cut out or removed; and if any person shall pack, or cause to be packed, or shall aid or assist in packing any uninspected salt in any such barrels, casks, or sacks, without first cutting out or removing such marks or brands, he shall forfeit, for every bushel of salt so packed, the sum of one dollar.

(1483.) SEC. 26. It shall be the duty of every manufacturer to brand, or mark with durable paint, every cask or barrel of salt manufactured by him, with the surname at full length of the proprietor or owner of the manufactory at which the same shall have been made, and the initial letters of his Christian name; and if the same shall have been manufactured for a company, or association of individuals, he shall mark or brand, in like manner, upon every such cask or barrel, the name by which the company is usually called: *Provided*, That no second-quality salt shall be so marked. Name of person, etc., manufacturing, to appear on barrels, etc.

Provido.

(1484.) SEC. 27. No inspector or deputy inspector shall inspect or pass any barrel, cask, box, or sack of salt which shall not be marked or branded in the manner prescribed in the last section, and the inspector or deputy shall not affix his brand to any barrel of salt which shall not have been so branded by the manufacturer offering the same for inspection: *Provided*, That none of the provisions of this section shall apply to second-quality salt: *And provided further*, That the inspector may, by regulations prescribed by him, provide that both the brand of the manufacturer and that of the inspector shall be put upon each package at the same time. Inspector not to pass any barrels not so marked.

Provido.

Ibid.

(1485.) SEC. 28. Salt of an inferior quality—dirty, damaged, or condemned—may be sold loose, or in bulk, by the manufacturer thereof, at the works, the inspector making bills of the same, designating the quantity by weight, as in ordinary cases, and distinguishing the same as “second quality;” or, such inferior salt may be packed in boxes, barrels, casks, or sacks, and branded by the inspector with the words “Second-quality salt,” in plain letters not less than one inch in length, and such inspector shall add the initials of his name, and no other or different brand shall be placed thereon; and said second-quality salt, subject to the provisions of this section, may be sold or exported by the owner as such. Inferior salt; how sold.

(1486.) SEC. 29. Every person who shall forge or counterfeit the name so required to be put on by the manufacturer, or shall cause, or procure to be put on any barrel or cask in which salt shall be packed, the name of any person other than that which properly should be placed thereon according to the provisions of this act, shall, for every such barrel, cask, or sack, forfeit the sum of one hundred dollars, and shall also be liable for all damages to the party aggrieved. Counterfeit of manufacturer's name.

Penalty.

Regulating
quantity in bags,
etc.

(1487.) SEC. 30. The inspector shall, by regulation from time to time, specify the quantity of salt that shall be contained in bags and other packages which shall be offered for inspection. And it shall not be lawful for him to authorize the inspector's brand to be placed upon any package that does not correspond with such regulation.

Ground salt;
how marked.

(1488.) SEC. 31. The inspector shall, by regulation, require that all ground salt manufactured and put up for market, shall be legibly marked on each keg, box, sack, bag, or other package containing the same, with the words "Ground solar," or "Ground boiler," or "Ground steam," or "Ground Chapin," as the fact may be; such marking to be done in letters not less than an inch in length.

Size of letters.

Connivance of
inspector.

(1489.) SEC. 32. If the inspector shall consent to, connive at, or abet the smuggling of salt, or the transportation of the same away, so as to evade the inspection thereof, or shall accept of a bribe, or sum of money, or any gift or reward whatsoever, upon any express, or secret, or implied trust or confidence that he shall connive at or consent to any evasion of the laws for the inspection of salt, such inspector shall forfeit his office and pay to the use of the people of this State the sum of one thousand dollars.

Penalty.

Connivance of
deputy.

(1490.) SEC. 33. If any deputy inspector shall be guilty of the offenses specified in the last section, or any of them, the inspector appointing such deputy shall forfeit to the use of the people of this State the sum of two hundred and fifty dollars, for the recovery of which his bond shall be put in suit.

Penalty.

Inspector and
deputies exempt
from jury service

(1491.) SEC. 34. The inspector and each of his deputies shall be exempt from serving on juries and from all military service, except in case of actual invasion or insurrection; and the commission or appointment in writing of any such officer or deputy shall be evidence of the facts stated therein.

Inspector to or-
dain rules, etc.

(1492.) SEC. 35. The inspector shall have power, from time to time, to make and ordain such necessary rules and regulations as he may deem expedient, concerning —

First. The manufacturing and inspection of salt, not inconsistent with the provision of this act.

Second. The daily examination and reporting, by his deputies, of the operation and extent of the several salt manufactories, so as to determine whether the quantity of salt inspected at each manufactory is equal to the quantity actually manufactured thereat.

Third. The districting of the salt-making territory in this State, and the duties of his deputies under this act; and he may alter or revoke such rules and regulations at his pleasure.

(1493.) SEC. 36. The inspector shall have power to annex penalties, not exceeding ten dollars in any case, to the violation of such rules and regulations. Such rules and regulations shall be printed and posted up in the office of the inspector, and in each manufactory, and published at least once in some newspaper in each county where salt is manufactured, and shall, after they have been posted and published as aforesaid for one week, be binding upon all persons concerned.

Inspector to annex penalties for violation.

Printing rules.

(1494.) SEC. 37. It shall be the duty of the inspector and his deputies, upon being applied to by any manufacturer to inspect salt in his district, to inspect the same forthwith; and in no case shall the inspector or any deputy delay the inspection of salt beyond twelve hours of daylight, excluding Sundays, after such application, unless such manufacturer shall consent to the delay. For a violation of this section by the inspector, or any one of his deputies, the inspector and his sureties shall be liable to the party aggrieved in the sum of fifty dollars over and beyond all actual damages sustained.

Inspector to inspect salt at once, on application.

Penalty for neglect.

(1495.) SEC. 38. Nothing contained in this act shall be construed so as to prevent the sale or exportation of the bitterns from any manufactory of salt, such bitterns to be sold or exported in bulk, or, if in casks or barrels, to be branded as bitterns, and sold or exported as such.

Bitterns sold as such.

(1496.) SEC. 39. In case of any vacancy, from any cause, in the office of the inspector, the deputy for the district of East Saginaw shall possess the powers and perform the duties of inspector until such vacancy shall be filled; and the bond of the inspector and his sureties shall continue to be liable for the acts of all the deputies, until such vacancy shall be filled.

Who to fill vacancy of inspector.

(1497.) SEC. 40. The inspector shall annually, in the month of December, and on or before the fifteenth day thereof, make a report to the Governor of this State, which shall contain—

Inspector's report.

First. The number of districts into which the salt-producing territory of this State may then be divided, with the name and locality of each, and the number and capacity of the works of each district;

Second. The quantity and quality of salt inspected in each district during the preceding year;

Third. The amount received, and expenses incurred, under this act for the preceding year, in detail;

Fourth. Such suggestions and recommendations as he may think proper to make concerning the manufacture of salt, and the opera-

- tion of the inspection laws upon the same, and as to what legislation upon the subject, if any, would be advisable. A of such report shall be published immediately after its date in newspaper in the Saginaw valley.
- Publication of same. (1498.) SEC. 41. The inspector shall establish a grade of " salt, the grain of which shall be at least as fine as the average of salt made in kettles. He shall cause the word "Fine" marked on the packages containing such salt, in large letters the word "Fine" with or without qualification, shall not, under circumstances, be placed on salt of coarse grain; but all grades shall be designated on the packages by some truly distinctive mark or brand, and the inspector may mark salt "Se quality" for imperfect grain, as well as for any other defect.
- Fine salt; how marked. (1499.) SEC. 42. Nothing in this act contained shall be construed to prevent the sale or shipment of salt in bulk, after the same have been duly inspected and a certificate thereof given by inspector or any deputy. And nothing in this act shall be construed to prevent manufacturers from putting such private trade mark or brand on their salt as they may see fit: *Provided* contains no untruth or statement calculated or intended to deceive the purchaser.
- Salt in bulk. (1500.) SEC. 43. In case the inspector shall, at the time of making any annual report, have a surplus of money arising from the inspection fees in this act provided for, in his hands, he shall apportion back and pay such surplus to the persons, firms, or corporations to whom salt has been inspected during the last preceding year in proportion to the amounts paid by them respectively for inspection fees: *Provided*, That in case such surplus does not equal the sum of one thousand dollars, no such apportionment shall be made.
- Private trade marks. *Provided further*, That in no case shall the State be held liable for any obligation or expenditure in consequence of any of the provisions of this act.
- Proviso. SEC. 44. This act shall take immediate effect.
- Surplus money; how inspector to dispose of.
- Proviso.
- Ibid.

An Act to provide for the inspection of illuminating oils manufactured from petroleum and coal oils.

[Approved April 3, 1869. Laws of 1869, p. 223.]

Inspector; when Governor may appoint.

(1501.) SECTION 1. *The People of the State of Michigan* In any county of the State wherein any illuminating oils are manufactured for the purpose of burning in any kind of lamp or illuminator, or where the same is sold for that purpose, the

error, upon the application of five or more persons, residents of said county, shall appoint a suitable person, who is not interested in manufacturing, dealing, or vending any or either of said oils, whose duty it shall be to examine and test the quality of all such oils that he shall be requested to examine and test by any manufacturer, vender, or dealer; and if upon such testing or examination the oils shall meet the requirements hereinafter specified, he shall fix his brand or device, viz: "Approved," with the date, over his official signature, upon the package, barrel, or cask containing the same, and it shall be lawful for any manufacturer, vender, or dealer to sell the same as an illuminator; but if the oil so tested shall not meet said requirements, he shall make in plain letters on said package, cask, or barrel, over his official signature, the words "Rejected for illuminating purposes," and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes.¹

Duties of.

How he shall mark barrels or casks.

(1502.) SEC. 2. It shall be the duty of the inspector to provide himself, at his own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oil, and, when called upon for that purpose, to promptly inspect all oils hereinbefore mentioned, and to report as dangerous all oils which, at the temperature of one hundred and ten degrees of Fahrenheit's thermometer, will emit an explosive gas, or take fire on applying thereto or plunging therein a well lighted match: *Provided*, The quantity of oil used in this test shall not be less than half a pint; and it shall be the duty of said inspector to designate by his brand, the temperature at which said oil will ignite.¹

To provide necessary apparatus.

What to report as dangerous.

Proviso.

(1503.) SEC. 3. All illuminating oils manufactured or refined in this State, shall be inspected before removed from the manufactory or refinery. And if any person or persons, whether manufacturer, vender, or dealer, shall sell or attempt to sell to any person in this State, any illuminating oils, whether manufactured in this State or not, before having the same inspected as provided in this act, he shall be subject to a penalty in any sum not exceeding five hundred dollars; and if any manufacturer, vender, or dealer of either or any of said illuminating oils, shall falsely brand the package, cask, or barrel containing the same, as provided in the first section of this act, or shall use packages, casks, or barrels having the inspector's brand thereon, without having the oil inspected, he shall be subject to a penalty in any sum not exceeding five hundred nor less than one hundred dollars, or be imprisoned in the

All oils to be inspected.

Penalty for making or selling, etc., before inspection.

Penalty for falsely branding, etc.

¹ As amended by Act 45 of the Laws of 1871, p. 45, approved and took effect March 22, 1871.

county jail not exceeding six months, or both, at the discretion of the court.

Inspectors may
appoint deputies

(1504.) SEC. 4. The several inspectors provided for [in] this act are hereby empowered, if necessary to the convenient and proper dispatch of their respective duties, to appoint a suitable number of deputies, for whose official acts they shall be accountable, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the inspector.

Oaths of office.

(1505.) SEC. 5. Every person appointed inspector or deputy inspector shall, before he enters upon the discharge of the duties of his office, take an oath or affirmation to support the Constitution of the United States and the State of Michigan, and to faithfully discharge the duties of inspector with fidelity. He shall also ex-

Bond of inspector.

execute a bond to the State of Michigan, in such sum and with such conditions as shall be approved by the judge of the circuit court for the county in which appointed, conditioned for the faithful performance of the duties imposed on him by this act, which bond shall be for the use of persons aggrieved by the acts or neglect of said inspector; and the same shall be filed with the clerk of the county where the in-

Where filed.

spectors reside.

Term of office.

(1506.) SEC. 6. The term of office of an inspector shall be

Duties.

two years; and every inspector or deputy inspector shall, upon requisition of any manufacturer, dealer, or vender of the oils herein mentioned, proceed, without unnecessary delay, to the inspection thereof; and said inspector shall be entitled to demand and receive from the owner or the party calling upon him, the sum of ten cents for each and every package, barrel, or cask inspected and branded by him; and it shall be the duty of every inspector to keep a true and accurate record of all oils so inspected and branded by him and by his deputies, which record shall state the date of inspection, the number of gallons or barrels, and the name of the person for whom inspected, and the record shall be open to the inspection of any and all persons interested. And it shall be the duty of every deputy inspector, within four days after the inspection of any oils hereinbefore mentioned, by him, to make a return thereof to his principal.¹

Compensation.

To keep record
of oils inspected

Deputy to make
report to principal.

Inspector not to
traffic.

(1507.) SEC. 7. No inspector or deputy inspector shall, while in office, traffic directly or indirectly in any article which

¹ Vide note to section 1.

appointed to inspect. For the violation of this section, he shall be liable to a penalty not exceeding ten hundred dollars.

(1508.) SEC. 8. It shall not be necessary for any person to have inspected, under the provisions of this act, oils brought into this State from any other of the United States, which have been inspected under the laws of any other such State, if the package, cask, or barrel, in which the same is brought into this State, shall bear a brand or device of the State inspector or deputy State inspector of such other State, showing that the contents thereof have been approved and stand a fire-test of one hundred and ten degrees of Fahrenheit's thermometer. And if any person within this State shall bond, mark, or place upon any package, cask, or barrel, any device with intent to show that the contents thereof have been inspected in any other State, or if any vender, dealer, or manufacturer of any or either of said illuminating oils shall use packages, casks, or barrels having the brand of the inspector of another State thereon, without having the oil inspected, or without the same having been inspected as in this section specified, the person so offending shall be subject to a penalty in any sum not exceeding five hundred dollars nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.¹

Oils inspected in other States to be free from inspection.

Penalty for placing marks on barrel or cask to deceive.

An Act to provide for the uniform inspection of lumber.

[Approved March 25, 1871. Laws of 1871, p. 43.]

(1509.) SECTION 1. *The People of the State of Michigan enact,* That each organized county within this State shall constitute a district for the inspection of lumber therein, except the counties of Saginaw and Bay, which shall constitute one district, to be known as the Saginaw district: *Provided,* That two or more counties adjoining each other, and not having an inspector general, may be united in one district, if the several boards of supervisors of such counties shall by resolution approve such union, and in such case it shall be the duty of the several clerks of such counties to transmit to the clerk of each of the other of such counties, and to the Governor, a certified copy of such resolution adopted by the board of supervisors of his county, before any application shall be made for the appointment of an inspector general in such district.

Districts constituted.

Proviso.

Two or more counties may be united in one district.

¹As added by Act 45 of the laws of 1871, p. 45, approved and took effect March 22, 1871.

Inspector; appointment of.	(1510.) SEC. 2. There shall be appointed for each district inspector general of lumber, who shall be appointed by and shall hold his office during the pleasure of the Governor, but shall be removed without sufficient cause: <i>Provided</i> , That no appointment shall be made, except in the Saginaw and Muskegon districts, until the same shall be requested by the board or boards of supervisors of the county or counties composing such district.
Proviso.	And the board or boards of supervisors shall only request such appointment after the application of not less than two-thirds of the lumber manufacturers in any proposed district. Any vacancy in said office may be filled by the Governor; and every inspector general, deputy inspector, and sub-inspector appointed under the provisions of this act shall, before entering upon the duties of his office, take and subscribe the oath prescribed by article eighteen of the Constitution of this State. Each inspector general, before entering upon the duties of his office, shall execute a bond to the people of the State of Michigan, in the penal sum of fifteen thousand dollars, with sufficient sureties, to be approved by a circuit judge, conditioned for the faithful and impartial discharge of the duties of his office, accounting for and paying over according to the law, of all moneys received by him, and for the delivery to his successor of all bills, books, papers, and effects belonging to said office. The official oath and bond of the inspector general shall be filed in the office of Secretary of State; and the official oaths of every deputy inspector and sub-inspector shall be filed in the office of the clerk of the county in which he resides.
Conditions precedent to appointment.	
Vacancy; how filled. Oath of office.	
Bond.	
To be approved by circuit judge.	
Where filed.	
To reside in district.	(1511.) SEC. 3. Each inspector general shall reside within the district to which he is appointed, and shall keep such offices at such locations within his district as the board or boards of supervisors within such district shall direct. The inspector general of the Saginaw district shall keep an office in each of the cities of Saginaw, East Saginaw, and Bay City, and shall appoint two deputy inspectors, each of whom shall have charge of an office of such district as the board or boards of supervisors shall direct. The inspector general, and who shall be subject to the control of and removal by the inspector general. The inspector general shall make such rules and regulations as he may deem necessary to carry into effect the provisions of this act as are not inconsistent therewith; and he shall cause the inspection to be as uniform and practicable. It shall be the duty of each inspector general, deputy inspector, and sub-inspector, in determining the quality and quantity of lumber inspected by him, to place the same in that class or quality, as hereinafter defined, to which it approaches the nearest
Where office to be kept.	
Deputies; subject to control and removal by inspector.	
Rules and regulations.	
Description of qualities.	

description and value, at all times using the description of qualities contained in this act as the standard for comparison.

(1512.) SEC. 4. Each inspector general shall appoint such number of deputies and sub-inspectors as may be necessary to discharge the duties of his office, for whose conduct, fidelity, and impartiality in the discharge of their duties, he and his sureties shall be held responsible. Upon the appointment of any deputy or sub-inspector by the inspector general, such deputy or sub-inspector shall execute a bond to such inspector general, in such sum as the inspector general may require, conditioned for the faithful performance of the official duties that may devolve upon him, and the true accounting for all moneys that may come into his hands. Upon the appointment of any sub-inspector by the inspector general, he shall grant, under his hand and seal, a commission confirming such appointment, and the same shall remain in force one year from the date thereof, unless revoked by the inspector general. The inspector general and his deputies shall have power to issue certificates of inspection upon the return being made by the sub-inspector to the office of the inspector general; and the inspector general shall keep an official seal for each office kept by him, and a record of all lumber measured and inspected in his district.

Inspector to appoint deputies and sub-inspectors and be held responsible for their conduct.

Bond; conditions of.

Commission.

Term of office.

Certificates of inspection; official seal, etc.

(1513.) SEC. 5. All inspectors general, deputy, and sub-inspectors, shall be men of experience in the business of inspecting lumber; and none of them shall be directly or indirectly interested in the business of buying or selling lumber, either for himself or for other parties; nor shall any inspector general, deputy, or sub-inspector receive other than the legal compensation for inspecting lumber; and no person shall directly or indirectly offer to an inspector general, deputy, or sub-inspector any sum of money, or gratuity, for his services, other than the fees allowed by this act: *Provided*, That nothing herein contained shall prevent the selection of a sub-inspector by the parties to the sale of lumber, notice to be given in writing to an office of inspector general, naming such selection; and such sub-inspector shall be detailed to make such inspection, if not otherwise engaged.

Qualifications for the office.

Not to receive other than legal compensation.

Proviso.

Parties to the sale of lumber may select sub-inspector.

(1514.) SEC. 6. The inspector general or his deputies are hereby empowered to collect all legal fees from the parties for whom inspection or measurement has been performed by all sub-inspectors under this act; and to pay said inspector for such labor performed the fees hereinafter provided. He is empowered to collect at the same time an additional amount of four cents on each and

Collection of fees to pay sub-inspectors.

Additional fee to create a fund.

	every thousand feet of lumber so inspected and measured, the l amount to create a fund for the purpose of paying all salaries, expenses, printing, stationery, and all other expenses incurred carrying into effect the provisions of this act, except fees of
Proviso. Bills for inspec- tion.	inspectors for the work of inspection: <i>Provided</i> , That all bills inspection shall be payable on delivery of the certificate of in
When paid.	tion by the seller of lumber; and the inspector general shall all salaries of his deputies and fees of sub-inspectors mon
After paying sal- aries, inspector to report surplus of fund and re- turn it pro rata.	The inspector general, after having paid all salaries and exp as herein mentioned out of the fund created for said purpose, report any surplus, if any, and shall distribute the same as so practicable to the sellers of lumber from whom the same may been collected during the previous year, <i>pro rata</i> upon the am of lumber inspected or measured for each: <i>Provided also</i> , in no case shall any salaries or deficiency be paid from the
Proviso.	Treasury.
Report to Gov- ernor; time of same.	(1515.) SEC. 7. The inspector general is hereby required to and transmit to the Governor of this State, on or before Jan first of each year, a report of the business transacted for said giving the amount of lumber inspected and measured in his district, showing uppers, commons, and culls, the amount of rec also the amount paid, inspection fees, salaries, office and expenses, and such other information that he may deem prop which may be required. The offices, books, and papers are at all reasonable times open to inspection by the chairman of board of supervisors of any county embraced in the district.
Contents.	
Offices and books to be open to in- spection.	(1516.) SEC. 8. The inspector general and deputies of the new district shall be paid for their respective services as fol viz: Inspector general, a salary of three thousand five hun (\$3,500) dollars per annum; the deputy inspectors, two thou (\$2,000) dollars per annum; and in the Muskegon and other districts organized under this act, the salaries of the inspector ge and his deputies shall be fixed by the board or boards of su visors, upon the application of two-thirds ($\frac{2}{3}$) of the lumber m facturers of said district; said salaries to be paid monthly: <i>provided</i> , That in no case such salaries and the expenses of office shall exceed the four (4) cents per thousand feet provid section six (6).
Salaries; amount of.	
Proviso.	
Classification.	(1517.) SEC. 9. All merchantable white pine lumber sha classified as follows for the purpose of inspection: First clear, ond clear, third clear, common, and shipping culls; and board

inches wide shall be known as strips. Norway pine shall be classified as common and shipping culls, except as hereinafter provided.

(1518.) SEC. 10. *First Clear Lumber*—Clear lumber. Shall not be less than eight inches wide, twelve feet long, and one inch thick, and at such width, and up to ten inches wide, shall be free from all imperfections. If the width is twelve inches, defects shall be allowed that will equal knots in the aggregate of one inch in diameter, or sap that will be equal to one and one-half inches on one surface. If the width is sixteen inches, defects shall be allowed that will be equal to knots in the aggregate of two inches in diameter, or sap that will be equal to two inches on one surface. If the width is twenty inches, defects shall be allowed that will be equal to knots in the aggregate of two and one half inches in diameter, or sap that will be equal to three inches in width on one surface. The inspector shall take particular notice, and shall allow a due proportion of defects for all pieces of widths between or above the given standard; also, shall allow additional defects as the lengths increase above twelve feet long, in proportion to such increased dimensions. He shall also allow as follows, in each of the three grades of clear lumber, viz: For each additional half-inch in thickness, additional defects in proportion that shall be equal to knots in the aggregate of one-quarter of an inch more in diameter, or sap that will be equal to one-quarter of an inch more in width. All the pieces shall be well manufactured, and of full thickness (all knots to be sound), and all sap to be free from black stain that is of such character that cannot be removed by dressing. And no piece shall be allowed with more than one straight split, and that to be not over one-fifth of the length of the piece, which shall be counted as one defect;

Second Clear Lumber—Second clear lumber. Shall be not less than eight inches wide, twelve feet long, and one inch thick, and at such width and up to ten inches wide, defects shall be allowed that will be equal to knots in the aggregate of three-quarters of an inch in diameter, or sap that will be equal to three-quarters of an inch in width on one surface. If the width is twelve inches, defects shall be allowed that will be equal to knots in the aggregate of one and a half inches in diameter, or sap that will be equal to three inches in width on the edges. If the width is sixteen inches, defects shall be allowed that will be equal to knots in the aggregate of two and a half inches in diameter, or sap that will be equal to four inches in width on the edges. If the width is twenty inches, defects shall be allowed that will be equal to knots in the aggregate of three inches in diameter, or sap that will be equal to five inches in width on the

edges. A straight split shall be allowed in this quality, as provided, in boards of the width of twelve inches and over, counted as one defect;

Third clear
lumber.

Third Clear Lumber—Shall not be less than seven inches wide, twelve feet long, and one inch thick, and at such width and length, ten inches, defects shall be allowed that will be equal in injury to a knot one and one-half inches in diameter, or sap that will be equal to one and one-half inches in width on the best side. If the width is twelve inches, defects shall be allowed that will be equal in injury to a knot of two and one-half inches in diameter, or sap that will be equal to two inches wide on the best side. If the width is six inches, defects shall be allowed that will be equal in injury to a knot of four inches, or sap that will be equal to four inches wide on the best side. If the width is twenty inches, defects shall be allowed that will be equal in injury to a knot of five inches in diameter, or sap that will be equal to six inches on the best side; but sap shall not in any case to exceed one-half the surface on the poorest side. In this quality shall be included pieces ten feet long, and not to have more than a due proportion of defects; also, all pieces six inches wide and more than one inch thick, with not more than two small sound knots, or sap more than one inch in width on one side;

First clear
strips.

First Clear Strips—Shall be six inches wide, one inch thick, and not less than twelve feet in length, and free from all imperfections;

Second clear
strips.

Second Clear Strips—Shall be the length, width, and thickness of first clear, and may have two small sound knots, or no knots, then sap equal to one inch in width on one edge of one side;

Third clear
strips

Third Clear Strips—Shall be of the width and thickness of first clear strips, and may have three (3) small sound knots with one inch on one side; but if no more than three small sound knots, then sap equal to two inches on one side may be allowed; to be free from rot, split, and shake. First and second clear Norway spruce strips of full width and thickness, and first and second clear white pine strips ten feet in length, also, first and second clear spruce strips rejected on account of thickness, and not less than five inches wide, shall be classed in this quality;

Common lum-
ber.

Common Lumber—Shall include all boards, planks, scantlings, strips, joists, and timber, and lumber not otherwise defined, which is not as good as third clear, but is generally of a sound character, well manufactured, of full thickness, and free from large knots, and bad shakes, that show on both sides of the piece.

Scantling, joists, and timber must be free from imperfections which so weaken the piece that it cannot be used for substantial building purposes. Scantling, joists, and timber made from worm-eaten logs, and pieces with a small streak of rot, when not so badly damaged as to render the same unfit for ordinary uses of common lumber, shall belong to this quality. One straight split shall be allowed, provided it does not exceed one-quarter the length of the piece. Pieces that have not more than two auger holes which are placed near the end of the piece shall be allowed in this quality, provided they are measured in lengths of even numbers of feet between said auger holes, and conform in all other respects to the requirements of this quality. No lumber under ten feet in length shall be considered as merchantable;

Shipping Culls—Shall constitute the lowest grade of merchant-Shipping culls. able lumber, and shall include all lumber not as good as common, which can be used for ordinary purposes without a waste of more than one-half;

Mill Culls—Shall include all lumber not as good as shipping Mill culls. culls. All boards or plank over twelve inches in width, of which one end shall be wider than the other, shall be measured at a point one-third its length from the narrow end, to determine its width, and all such boards and plank less than twelve inches in width shall be measured at the narrow end. All lumber over ten feet, up to and including twenty feet long, shall be measured in length of even number of feet, and all over twenty feet long, each additional foot in length shall be counted, unless it shall be otherwise agreed by the buyer and seller. No fractional part of a square foot shall be counted, except in the measurement of joists, scantling, or timber.

(1519.) SEC. 11. Merchantable lumber may be measured and inspected in either of the three classes following, viz: The first class shall be an inspection of the lumber in the five qualities aforesaid, and the fee for such inspection and measurement shall be twenty-five cents per thousand feet. The second class shall be an inspection of the lumber in three qualities, of which the first, second, and third clear shall form one, which shall be denominated uppers, and the other two shall be common and shipping culls, as aforesaid; and the fee for such measurement and inspection shall be twenty-five cents per thousand feet. The third class of inspection shall be in one quality, which shall include the five qualities first mentioned, and shall be denominated straight measure; and the fee for such measurement shall be fifteen cents per thousand.

Merchantable
lumber; how
measured, in-
spected, and
fees for same.

Fees; by whom borne. feet. The fee for measuring and inspection, including the fee mentioned in section six, of lumber, shall be borne equally by buyer and seller, unless otherwise agreed.

Inspector to mark inspected lumber if required. (1520.) SEC. 12. Whenever required to do so, the inspector shall mark on each piece of lumber inspected by him, the quantity and quality thereof, using such letters or characters therefor as the inspector general may by rule prescribe. And the fee for such

Fees for marking. marking shall be ten cents in addition to that herein provided for the class of inspection, and shall be paid by the party requesting

Orders for inspection; when filed. such marking to be done. All orders for inspection shall be filed in the office of the inspector general, and in districts with more

Returns of inspection; when made. than one office, the order shall be filed in that most convenient for the seller of the lumber; and returns thereto of such inspection must be made by the sub-inspector within twelve hours after the completion of such inspection, if practicable.

Inspector's record and the certificate of inspection; what they shall show. (1521.) SEC. 13. The inspector's record and the certificate of inspection shall show the names of the buyer and the seller, the place and date of inspection, the quantity of each quality, and, if inspected for shipment by water, the name of the boat or vessel on which it was shipped, and the name of the sub-inspector by whom inspected.

Such record or copy, prima facie evidence of the facts. And such record, or a copy thereof, certified by the inspector general or a deputy inspector, under the official seal of such inspector, and every certificate of inspection, shall be *prima facie* evidence of the facts therein stated. All original tally-lists kept of inspection and measurement of lumber under the provisions of this act, shall be returned by the officer making such inspection with his return to the office of the inspector general.

Who shall inspect; and how inspection shall be made. (1522.) SEC. 14. No pine lumber sold for shipment by water, in any district having an inspector general, shall be inspected by any person other than the inspector general, or a deputy or sub-inspector for such district. Nor shall it be inspected into any other qualities than such as are herein named, unless such lumber shall be manufactured to order, or under a contract, to be less than one inch over two inches in thickness.

Persons dissatisfied with inspection to make complaint. (1523.) SEC. 15. Whenever any person interested in an inspection of lumber by any inspector shall be dissatisfied with such inspection, such person shall make complaint thereof to the

Duty of inspector general in such cases. inspector general, or deputy, who shall thereupon, without delay, inquire into the matter of such complaint, and determine upon the proper inspection to be made, and he shall substitute another sub-inspector to continue the work of such inspection, if either party interested therein shall require a change.

(1524.) SEC. 16. Every person who shall willfully violate any of the provisions of this act shall, on conviction thereof, be punished Penalty for violating provisions of this act. by a fine not exceeding one thousand dollars.

(1525.) SEC. 17. All acts and parts of acts contravening the Acts repealed. provisions of this act are hereby repealed.

SEC. 18. This act shall take immediate effect.

An Act to prevent the adulteration of milk, and to prevent the traffic in impure and unwholesome milk.

[Approved March 31, 1871. *Laws of 1871, p. 91.*]

(1526.) SECTION 1. *The People of the State of Michigan enact,* Provisions relative to traffic in. That any person or persons who shall knowingly sell, supply, or bring to be manufactured to any cheese manufactory in this State, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall keep back any part of the milk known as "strippings," or whoever shall knowingly bring or supply milk to any cheese manufactory that is tainted or sour from want of proper care in keeping pails, strainers, or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, or any cheese manufacturer who shall knowingly use or direct any of his employes to use, for his or their individual benefit, any cream from the milk brought to said cheese manufacturer, without the consent of all the owners thereof, shall, Penalty for violating. for each and every offense, forfeit and pay a sum not less than ten dollars nor more than fifty dollars, with costs of suit, to be sued How sued for. for in any court of competent jurisdiction, for the benefit of the person or persons, firm or association, or corporation upon whom such fraud shall be committed.

(1527.) SEC. 2. Act number seven of the session laws of eighteen hundred and sixty-seven, and all laws contravening the provisions of this act, are hereby repealed. Acts repealed.

SEC. 3. This act shall take immediate effect.

CHAPTER XXXIV.

WEIGHTS AND MEASURES.

Chapter thirty-one of Revised Statutes of 1846.

Public standards
of weights and
measures.

(1528.) SECTION 1. The weights and measures, together with scales and beams, and those made in conformity therewith, which are now or may hereafter be deposited in the Treasury of the State, shall be preserved by the Treasurer, and be the public standards.

State Sealer, his
duties.

(1529.) SEC. 2. The Treasurer of the State shall be the State Sealer of weights and measures, and he shall have and keep a seal which shall be so formed as to impress the letter "M." upon weights and measures, and scales and beams, to be sealed by him, with which he shall seal all such authorized public standard weights and measures, and all the weights and measures, and scales and beams, to be provided by the several counties, when examined by said Treasurer, and found to be in conformity with the standard weights and measures, and scales and beams, aforesaid.

Supervisors to
procure stand-
ard from State
Sealer, etc.

(1530.) SEC. 3. The board of supervisors for each county in which the same have not already been obtained, shall procure the use and at the expense of their county, a complete set of weights and measures, and scales and beams, in exact conformity with those remaining in the State Treasury, except that the same may be made of such suitable materials as the supervisors may direct, which shall be tried and proved by the said Treasurer, by him sealed and certified.

County standard
to be deposited
with clerk; his
duties.

(1531.) SEC. 4. When so sealed and certified, such weights and measures, scales and beams, shall be deposited with the county clerk, who shall be the sealer of weights and measures for the county, and the same shall be kept by him as the standard

weights and measures for the county; and the said clerk shall also provide and keep a seal similar to the seal required to be kept by the State Treasurer, with which he shall seal the weights and measures, and scales and beams, to be provided by the several townships.

(1532.) SEC. 5. Once in every five years from the first day of January, eighteen hundred and forty-five, each county clerk, for the time being, shall cause the said standards in his keeping to be tried, proved, and sealed by the State standards, under the direction of the State Treasurer.

County standard to be tried once in five years.

(1533.) SEC. 6. If the board of supervisors of any county which has not heretofore provided such standards, shall neglect for six months to provide the same, and cause them to be tried and proved and sealed as aforesaid, and delivered to the clerk of the county, it shall be the duty of the clerk to notify the county treasurer of such neglect, and such county treasurer shall immediately provide such standards, and cause the same to be tried, proved, sealed, and deposited as aforesaid, at the expense of his county.

When county standard to be procured by treasurer.

(1534.) SEC. 7. The township board of each township shall procure to be made and provided, when it shall not heretofore have been done, for the use and at the expense of the township, a complete set of weights and measures, and scales and beams, in conformity with the standards kept by the clerk of the county, which shall be tried, proved, and sealed, and certified by the county clerk, by the standards remaining in his office, and such weights and measures, scales and beams, so tried, sealed, and certified, shall be delivered to and kept by the clerk of the township as standards for the township; such township standards to be made of such suitable materials as the township board shall direct; and the said board shall also provide a seal similar to the State seal, to be kept by the township clerk.

Standard for each township, how procured, etc.

(1535.) SEC. 8. The township clerk of each township shall be the sealer of weights and measures therein, and shall have the care and custody of the standard weights and measures of his township, and shall seal weights and measures, scales and beams, used within his township, after having tried and proved them by the township standards.

Township sealer, his duty.

(1536.) SEC. 9. The clerk of each township shall, once in each year, some time in the month of April, put up a written notice in three of the most public places in the township, stating therein the time and place when and where he will attend such of the inhabitants as live within the limits described in the several notices

Id.

aforesaid, and seal all such of their great and small scales, beams, weights and measures, as are found to be accurate, and as shall bring for that purpose.

Compensation of township clerk.

(1537.) SEC. 10. The township clerk shall be entitled to demand and receive from the person from whom the service is rendered for trying, proving, and sealing as aforesaid, three cents for each scale, beam, weight, or measure found not to be conformable thereto, and two cents for each scale, beam, weight, or measure found to be conformable thereto.

When clerk to go to stores, etc., and try weights and measures.

(1538.) SEC. 11. The township clerk shall go, once in every year, to the houses, stores, and shops of such merchants, traders, and retailers of spirituous liquors, and of such other of the inhabitants of the township, using scales, beams, weights, and measures, for the purpose of buying and selling, as shall neglect to bring or send their scales, beams, weights, and measures, and he shall thereupon prove, and seal them.

Double fees, when to be paid.

(1539.) SEC. 12. For the services required in the last preceding section, the township clerk shall be entitled to demand and receive of such merchants, or other persons, double the fees hereinbefore provided for the like services, together with four cents for every mile he shall necessarily travel for that purpose, going out and returning home.

Fees of county clerk, for sealing, etc.

(1540.) SEC. 13. The county clerk shall be entitled to receive from each township clerk a fee of three cents for the first sealing of every weight, measure, scale, or beam, and two cents for every subsequent sealing of the same.

When township clerk to procure standard.

(1541.) SEC. 14. If the township board of any township, after notice to them that the standard of weights and measures for the county have been deposited with the county clerk, shall neglect for the space of six months, to provide standard weights and measures for their township, as above directed, it shall be the duty of the township clerk forthwith thereafter to procure the same at the expense of the township.

Penalty on sealer for neglect, etc.

(1542.) SEC. 15. If any sealer of weights and measures shall neglect to perform his duty, as prescribed in this chapter, he shall be liable to forfeit, for each neglect, the sum of five dollars.

Vibrating steel-yards.

(1543.) SEC. 16. The vibrating steelyards, which have heretofore been allowed and used in this State, may continue to be used; and each beam, and the poises thereof, shall be annually tried, proved, and sealed, by a sealer of weights and measures, like other beams and weights.

(1544.) SEC. 17. When any commodity shall be sold by the hundred weight, it shall be understood to mean the net weight of one hundred pounds avoirdupois, and all contracts concerning goods or commodities sold by weight, shall be construed accordingly, unless such construction would be manifestly inconsistent with the special agreement of the parties contracting.¹

Construction of certain contracts.

(1545.) SEC. 19. The half-bushel and the parts thereof shall be the standard measure for fruits and other commodities customarily sold by heaped measure; and in measuring such commodities the half-bushel or other smaller measure shall be heaped as high as may be, without especial effort or design; and the standard measure of charcoal shall be twenty-seven hundred and forty-eight cubic inches for each and every bushel thereof.²

Standard measure of fruits, etc.

Of charcoal

An Act to provide for the weight per bushel, of certain grain, dried fruit, coal, vegetables, and products.

[Approved March 20, 1863. Laws of 1863, p. 378.]

(1546.) SECTION 1. *The People of the State of Michigan enact,* That whenever wheat, rye, shelled corn, corn on the cob, corn meal, oats, buckwheat, beans, clover seed, timothy seed, flax seed, hemp seed, millet seed, blue-grass seed, red-top seed, barley, dried apples, dried peaches, potatoes, potatoes (sweet), onions, turnips, peas, cranberries, dried plums, castor beans, salt, mineral coal, Hungarian grass seed, orchard grass seed, Osage orange seed, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows, viz:

Weight per bushel of grain, etc.

- Sixty pounds for a bushel of wheat;
- Fifty-six pounds for a bushel of rye;
- Fifty-six pounds for a bushel of shelled corn;
- Seventy pounds for a bushel of corn on the cob;
- Fifty pounds for a bushel of corn meal;
- Thirty-two pounds for a bushel of oats;
- Forty-eight pounds for a bushel of buckwheat;
- Sixty pounds for a bushel of beans;
- Sixty pounds for a bushel of clover seed;
- Forty-five pounds for a bushel of timothy seed;
- Fifty-six pounds for a bushel of flax seed;

¹ See the following act, which supersedes this section.

² As amended by Act 166 of the Laws of 1867, p. 221. approved March 27, 1867.

Forty-four pounds for a bushel of hemp seed ;
 Fifty pounds for a bushel of millet or Hungarian grass seed ;
 Fourteen pounds for a bushel of blue-grass seed ;
 Fourteen pounds for a bushel of red-top seed ;
 Forty-eight pounds for a bushel of barley ;
 Twenty-two pounds for a bushel of dried apples ;
 Twenty-eight pounds for a bushel of dried peaches ;
 Sixty pounds for a bushel of potatoes ;
 Fifty-six pounds for a bushel of sweet potatoes ;
 Fifty-four pounds for a bushel of onions ;
 Fifty-eight pounds for a bushel of turnips ;
 Sixty pounds for a bushel of peas ;
 Forty pounds for a bushel of cranberries ;
 Twenty-eight pounds for a bushel of dried plums ;
 Forty-six pounds for a bushel of castor beans ;
 Fifty-six pounds for a bushel of Michigan salt ;
 Eighty pounds for a bushel of mineral coal ;
 Fourteen pounds for a bushel of orchard grass seed ;
 Thirty-three pounds for a bushel of Osage orange seed.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

An Act to establish the weight of lime.

[Approved April 8, 1871. Laws of 1871, p. 112.]

Weight of stone
lime.

(1547.) SECTION 1. *The People of the State of Michigan enact* That whenever stone-lime is sold, and no special agreement is made by the parties, the bushel shall consist of seventy pounds.

SEC. 2. This act shall take immediate effect.

An Act to regulate the size of peach baskets.

[Approved April 13, 1871. Laws of 1871, p. 164.]

Number of cu-
bic inches.

(1548.) SECTION 1. *The People of the State of Michigan enact* That the quantity known as a box or basket of peaches shall contain seven hundred and sixteen and four-fifths cubic inches, or one third of a bushel strict measure.

SEC. 2. This act shall take immediate effect.

An Act to regulate the size of dry or packing barrels for fruits, roots, and vegetables.

[Approved March 8, 1869. *Laws of 1869*, p. 47.]

(1549.) SECTION 1. *The People of the State of Michigan enact,* Same as flour barrel.
That the quantity known as a barrel of fruit, roots, or vegetables shall be that quantity contained in a barrel made from staves twenty-seven inches in length, and each head sixteen and one-half inches in diameter, or ordinary flour-barrel size.¹

CHAPTER XXXV.

BILLS OF EXCHANGE AND PROMISSORY NOTES.

Chapter thirty-two of Revised Statutes of 1846.

R. S. of N. Y.,
Title 2, Chap. 4,
Part 2.

(1550.) SECTION 1. All notes in writing, made and signed by any person, whereby he shall promise to pay to any other person or his order, or to the order of any other person or unto the bearer, any sum of money therein mentioned, shall be due and payable as therein expressed; and shall have the same effect, and be negotiable in like manner as inland bills of exchange, according to the custom of merchants.

What notes
negotiable.

7 Metcalf, 568.
2 Hill, 50.
5 Cowen, 136.
28 Wendell, 71.
8 Comstock, 19.

(1551.) SEC. 2. Every note signed by the agent of any person under a general or special authority, shall bind such person and have the same effect, and be negotiable, as provided in the preceding section.

Note signed by
agent.

(1552.) SEC. 3. The payees and indorsees of every such note payable to them or their order, and the holders of every such note payable to bearer, may maintain actions for the sums of money therein mentioned, in like manner as in cases of inland bills of exchange, and not otherwise.

Actions by pay
ees, etc.

¹ As amended by Act 116 of the Laws of 1871, p. 166, approved April 18, 1871.

Effect, when
payable to order
of maker or
fictitious person.
3 Hill, 112.
2 Sandf. S. C. R.
138.

(1553.) SEC. 4. Such notes made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect, and be of the same validity as against the maker and all persons having knowledge of the facts as if payable to bearer.

When grace
allowed.

(1554.) SEC. 5. On all bills of exchange payable at sight, or at a future day certain, within this State, and on all negotiable promissory notes, orders, and drafts payable at a future day certain, within this State, in which there is not an express stipulation to the contrary, grace shall be allowed, except as provided in the following section, in like manner as it is allowed by the custom of merchants, on foreign bills of exchange, payable at the expiration of a certain period after date or sight.

6 Hill, 174.
4 Metcalf, 208.
6 Metcalf, 13.

Not if payable
on demand.
8 Johnson, 189,
374.

(1555.) SEC. 6. The provisions of the last preceding section shall not extend to any bill of exchange, note, or draft payable on demand.

Acceptance to be
in writing.
1 Hill, 82.
2 Sandf. S. C. R.
323.
8 Mich. 132.
Rates of ex-
change and
damages, when
payable without
the United
States.

(1556.) SEC. 7. No person within this State shall be charged as an acceptor on a bill of exchange, unless his acceptance shall be in writing, signed by himself or his lawful agent.

(1557.) SEC. 8. Whenever any bill of exchange, drawn or indorsed within this State, and payable without the limits of the United States, shall be duly protested for non-acceptance or non-payment, the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of the demand, and damages at the rate of five per cent upon the contents thereof, together with interest on the said contents, to be computed from the date of the protest; and said amount of contents, damages, and interest shall be in full of all damages, charges, and expenses.

When payable in
another State of
the United
States.

(1558.) SEC. 9. The rates of damages to be allowed upon bills of exchange duly protested for non-acceptance or non-payment, if drawn or indorsed within this State, payable at any place without this State, but within the United States, shall be as follows, in addition to the contents of such bill with interest and costs, that is to say: Upon all such bills payable within the Territory of Wisconsin, or either of the States of Illinois, Indiana, Pennsylvania, Ohio, or New York, three per cent on the contents of the bill; if payable within either of the States of Missouri, Kentucky, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, or the District of Columbia, five per cent, and if payable elsewhere, within any other of the United States, or Territories thereof, ten per cent.

An Act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, in the holding of courts, and relative to the continuance of suits.

[Approved March 8, 1865. Laws of 1865, p. 213.]

(1559.) SECTION 1. *The People of the State of Michigan enact,* Certain days considered as is Sunday, for certain purposes.
 That the following days, viz: the first day of January, commonly called New Year's Day, the twenty-second day of February, commonly called Washington's birthday, the fourth day of July, the twenty-fifth day of December, commonly called Christmas Day, and any day appointed or recommended by the Governor of this State or the President of the United States, as a day of fasting and prayer, or thanksgiving, shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor, of bills of exchange, bank checks, and promissory notes, made after this act shall take effect, also for the holding of courts, be treated and considered as is the first day of the week, commonly called Sunday: *Provided,* Proviso.
 That in case any of said holidays shall fall upon a Sunday, then the Monday following to be considered as the said holiday: *Pro-* Further proviso relative to return or adjourn day of any suit, etc.
vided, That in case the return or adjourn day in any suit, matter, or hearing before any court, shall come on any day so appointed or recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, such suit, matter, or proceeding, commenced or adjourned as aforesaid, shall not by reason of coming on any day recommended by the Governor of this State, or the President of the United States, as a day of fasting and prayer, or thanksgiving, abate, but the same shall stand continued on the next succeeding day, at the same time and place, unless the next day shall be the first day of the week, or a holiday, when in such case the same shall stand continued to the day next succeeding said first day of the week or holiday, at the same time and place.¹

An Act in relation to commercial paper.

[Approved March 27, 1867. Laws of 1867, p. 190.]

(1560.) SECTION 1. *The People of the State of Michigan enact,* Notice of protest to persons in same city, town, etc.
 Whenever the indorser or indorsers of any promissory note, or the drawer or indorser of any check, draft, or bill of exchange, shall reside or have a place of business, or upon information

¹ As amended by Act 93 of the Laws of 1871, p. 29, approved March 6, 1871.

obtained by diligent inquiry, shall be reported to reside or have place of business in the same city, village, or township where such promissory note, draft, check, or bill of exchange is made payable, or may be legally presented for payment or acceptance, all notices of the non-payment or non-acceptance thereof may be served by depositing such notices, with the postage prepaid, in the postoffice in the city, township, or village where such promissory note, draft, check, or bill of exchange is made payable, or may be legally presented for payment or acceptance, properly directed to such drawer or indorser at such city, village, or township; and whenever a promissory note, check, or draft shall not be made payable at a place, notices of non-payment or non-acceptance may be served by depositing the same in a postoffice, prepaid, directed to the drawer or indorser at his reputed place of postoffice delivery, such reputed place of business, residence, or postoffice delivery to be ascertained by the best information that can be obtained by diligent inquiry therefor.

To persons out of city.

Checks, etc., drawn upon banks, due without grace.

No protest necessary.

(1561.) SEC. 2. All checks, bills of exchange, or drafts, appearing on their face to have been drawn upon any bank, or upon a banking association or individual banker carrying on banking business under the act to authorize the business of banking, which are on their face payable on any specified day, or in any number of days after the date or sight thereof, shall be deemed due and payable on the day mentioned for the payment of the same, without any days of grace being allowed, and it shall not be necessary to protest the same for non-acceptance.

(1562.) SEC. 3. This act shall not apply to any bills of exchange, checks, drafts, or promissory notes, bearing date prior to the first day of May, eighteen hundred and sixty-seven.

(1563.) SEC. 4. All acts and parts of acts now in force and inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect May twelfth, eighteen hundred and sixty-seven.

An Act making guaranties of promissory notes negotiable, and providing that they shall pass to the holders of such notes.

[Approved March 4, 1869. Laws of 1869, p. 27.]

Guaranty of payment of note made negotiable.

(1564.) SECTION 1. *The People of the State of Michigan enact* That the guaranty of the payment or of the collection of a promissory note shall hereafter be negotiable, and shall pass to the holder of the note, whether indorsed thereon, or written or printed

upon a separate paper; and the assignment, indorsement, or transfer of any promissory note, the payment or collection of which shall have been guarantied, shall operate as, and be an assignment of, all guaranties of any such note; and the holder of such note may maintain an action upon any and all such guaranties, in his own name, subject to all equities existing between the guarantor and the person to whom such guaranty was made. Subject to equities.

An Act to regulate the execution and transfer of notes or other obligations given for patent rights.

[Approved April 13, 1871. Laws of 1871, p. 191.]

(1565.) SECTION 1. *The People of the State of Michigan enact,* Form of note
That whenever any promissory note, or other negotiable or assignable instrument, shall be given, the consideration for which shall consist, in whole or in part, of the right to make, use, or vend any patent invention, or inventions claimed to be patented, the words "Given for patent right," shall be prominently and legibly written or printed on the face of such note or instrument, above the signature thereto, and such note or instrument, in the hands of any purchaser or holder, shall be subject to the same defenses as in the hands of the original owner or holder; and any person who shall purchase or become the holder of any such note or instrument, knowing the same to have been given for the consideration aforesaid, shall hold such note or other instrument subject to the same defenses as in the hands of the original owner or holder, although the words "Given for patent right" shall not be written or printed upon the face thereof. Holder subject to same defenses as original owner.

(1566.) SEC. 2. If any person shall take, purchase, sell, or transfer any promissory note or other negotiable or assignable instrument not bearing the words "Given for a patent right" written or printed legibly and prominently on the face of such note or instrument, above the signature thereof, knowing the consideration of such note or other instrument to consist, in whole or in part, of the right to make, use, or vend any patented invention, or invention claimed to be patented, every such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court. Penalty for transfer of note, etc., not in prescribed form.

CHAPTER XXXVI.

LIMITED PARTNERSHIPS.

Chapter thirty-three of Revised Statutes of 1846.

For what purposes limited partnerships may be formed.

(1567.) SECTION 1. Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business, within the State, may be formed by two or more persons upon the terms, and subject to the rights and powers, and subject to the conditions and liabilities hereinafter provided; but nothing in this chapter contained shall be construed to authorize any such partnership for the purposes of banking or insurances.

Liabilities of general and special partners.

(1568.) SEC. 2. Limited partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners now are by law, and of one or more persons who shall contribute a specified amount of capital, in cash, or other property at cash value, to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership, beyond the amount of the fund so contributed by them respectively to the capital, except as hereinafter provided.

By whom business to be transacted.

(1569.) SEC. 3. The general partners only shall be authorized to transact business, to sign for the partnership, and to bind the same.

Certificate, its contents.

(1570.) SEC. 4. The persons desirous of forming such partnership shall make and severally sign a certificate, which shall contain:

First. The name or firm under which the partnership business is to be conducted;

Second. The general nature of the business to be transacted;

Third. The names of all the general and special partners interested therein, distinguishing which are general partners and which are special partners, and their respective places of residence;

Fourth. The amount of capital stock which each special partner shall have contributed to the common stock;

Fifth. The period at which the partnership is to commence, and the period when it will terminate.

(1571.) SEC. 5. Such certificate shall be acknowledged by the several persons signing the same, before some officer authorized by law to take the acknowledgment of deeds, and such acknowledgment shall be made and certified in the manner provided by law for the acknowledgment of deeds for the conveyance of land.

How certificate to be acknowledged.

(1572.) SEC. 6. The certificate so acknowledged and certified shall be filed in the office of the county clerk of the county in which the principal place of business of the partnership shall be situated, and shall be recorded at length by the clerk in a book to be kept by him; and such book shall be subject, at all reasonable hours, to the inspection of all persons.

Certificate to be filed and recorded.

(1573.) SEC. 7. If the partnership shall have places of business situated in different counties, a transcript of such certificate and of the acknowledgment thereof, duly signed by the clerk in whose office it shall have been filed, under his official seal, shall be filed and recorded in like manner in the office of the clerk of every such county, and the books containing such records shall be subject to inspection in the manner above directed.

When certificate to be filed and recorded in different counties.

(1574.) SEC. 8. At the time of filing the original certificate and the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating that the amount in money, or other property at cash value, specified in the certificate to have been contributed by each of the special partners to the common stock, has been actually, and in good faith, contributed and applied to the same.

Affidavit to be filed with certificate.

(1575.) SEC. 9. No such partnership shall be deemed to have been formed, until such certificate, acknowledgment, and affidavit shall have been filed as above directed; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners.

Consequences of false certificate, etc.

(1576.) SEC. 10. The partners shall publish the terms of the partnership, when recorded, for at least six weeks immediately after the recording thereof, in two newspapers to be designated by the

Terms of partnership to be published.

clerk of the county in which such record shall be made, and to be published in a Senatorial district in which their business shall be carried on; and if such publication be not made, the partnership shall be deemed general.

Affidavit of publication may be filed, etc.

(1577.) SEC. 11. Affidavits of the publication of such notices by the printers of the newspapers in which the same have been published, or some one in their employ knowing of such publication, may be filed with the clerk directing the same, and shall be evidence of the facts therein contained.

Renewal, etc., of partnership.

(1578.) SEC. 12. Upon the renewal or continuance of a limited partnership beyond the time originally agreed upon for its duration, a certificate shall be made, acknowledged, recorded, and published, in the like manner as is provided in this chapter for the formation of limited partnerships; and the affidavit of one or more of the general partners, as above provided, shall also be filed with the proper county clerk as aforesaid; and every such partnership, so continued, which shall not be renewed or continued in conformity with the provisions of this section, shall be deemed a general partnership.

Alteration in condition of partnership deemed a dissolution.

(1579.) SEC. 13. Every alteration which shall be made in the name of the partners, the nature of the business, in the capital, or in the shares thereof, or in any other matter specified in the original certificate, except as hereinafter provided, shall be deemed a dissolution of such limited partnership; and every such partnership, which shall in any way be carried on after such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last preceding section.¹

Partnerships; how carried on.

(1580.) SEC. 14. The business of the partnership shall be carried on under a firm in which the name of one or more of the general partners only shall be inserted, with or without the addition of the words "and company," or any other general term; and if

Special partner.

the name of any special partner shall be used in said firm with his consent or privity, or if he shall personally make any contract respecting the concerns of the partnership, with any person except the general partners, he shall be deemed and treated as a general partner.²

Capital stock not to be withdrawn, etc.

(1581.) SEC. 15. During the continuance of the partnership under the provisions of this chapter, no part of the capital s

¹ As amended by Act 144 of the Laws of 1861, p. 293, approved and took effect February 18, 1861.

² As amended by Act 6 of the Laws of 1867, p. 8, approved and took effect February 1

thereof shall be withdrawn, nor any division of interest or profits be made, so as to reduce said capital stock below the sum stated in the certificate above mentioned; and if, at any time during the continuance, or at the termination of the partnership, the property or assets shall not be sufficient to pay the partnership debts, then the special partners shall severally be held responsible for all sums by them received, withdrawn or divided, with interest thereon from the time when they were so withdrawn or divided respectively.

(1582.) SEC. 16. No general assignment by such partnership, of its property or effects, in case of insolvency, or where their goods and estates are insufficient for the payment of all their debts, shall be valid, unless it shall provide for the distribution of all the partnership property and effects among all the creditors, in proportion to the amount of their several claims; excepting claims of the United States, arising from bonds on duties which are first to be paid or secured.

When assignment invalid.

(1583.) SEC. 17. In case of an assignment, as provided for in the last preceding section, the assent of the creditors shall be presumed, unless they shall, within sixty days after notice thereof, dissent, either expressly, or by some act clearly implying such dissent; and no such assignment shall be valid, unless notice thereof shall be published in some newspaper printed in the county where the place of business of the parties making it is situated, or if no newspaper be printed in such county, then in some newspaper printed in an adjoining county, or at the seat of government, within fourteen days after making such assignment.

Provisions relative to assignment, etc.

(1584.) SEC. 18. All suits respecting the business of such partnership shall be prosecuted by and against the general partners only, except in those cases in which provision is made in this chapter that the special partners shall be deemed general partners, and that special partnerships shall be deemed general partnerships, in which cases all the partners deemed general partners may join or be joined in such suits; and excepting also those cases where special partners shall be held severally responsible on account of any sums by them received, or withdrawn from the common stock, as above provided.

Suits, how prosecuted.

(1585.) SEC. 19. No dissolution of a limited partnership shall take place, except by operation of law, before the time specified in the certificate before mentioned, unless a notice of such dissolution shall be recorded in the registry in which such certificate, or the certificate of renewal or continuance of the partnership, was recorded, and in every other registry where a copy of such certifi-

Dissolution of limited partnership.

cate was recorded, and unless such notice shall also be published six weeks successively in some newspaper printed in the county where the certificate of the formation of such partnership was recorded; or if no newspaper shall, at the time of such dissolution be printed in such county, then in some newspaper printed at the seat of government.

Rights and liabilities of partners.

(1586.) SEC. 20. In all cases not otherwise provided for in this chapter, the members of limited partnerships shall be subject to all the liabilities and entitled to all the rights of general partners.

Limited partnerships not deemed general by reason of alteration.

(1587.) SEC. 21. No limited partnership shall be deemed a general partnership by reasons of any alteration in the names of the partners, as provided in section thirteen of this chapter, occasioned by one or more of the general partners selling his interest therein to the other general partner or partners, or to any other persons, nor by reason of one or more of the special partners selling his interest and stock therein to the other special partners, or to any other person or persons: *Provided*, That the capital stock shall be thereby withdrawn so as to reduce the capital stock below the sum stated in the original certificate mentioned in section four of this chapter: *And provided also*, That within thirty days after any such alteration, the remaining or succeeding partners shall make and severally sign a certificate, stating the fact of such alteration, and the name or firm under which the business is to be continued, the names of the remaining or succeeding general and special partners, specifying which are general partners which are special partners, and their respective places of residence, and the amount of capital stock which each of the remaining or succeeding partners shall own after such alteration; which certificate shall be acknowledged as provided in section five of this chapter and with the certificate of such acknowledgment shall be filed in the same clerk's office in which such original certificate was filed, and at the time of filing the same, an affidavit of one or more of the remaining general partners shall also be filed in the same office, stating the fact of such alteration, and that the capital stock has not been reduced by such alteration below the sum stated in the original certificate; and if any false statement be made in the certificate or affidavit, provided for in this section, all the persons interested in such partnership shall be liable as general partners for all the engagements thereof.¹

Proviso.

Certificate of alteration in partnerships.

Acknowledged and filed.

Affidavit of alteration.

¹ See note 1 following.

(1588.) SEC. 22. Within the same time above provided, for making and filing such certificate and affidavit, the fact of such alteration and the names of the remaining or succeeding general and special partners, designating which are general and which special, and the amount of capital stock of each special partner, shall be published in the same manner and for the same length of time provided in section ten of this chapter, and affidavits of such publication may be made and filed as provided in section eleven, and with like effect.¹

Notice of alteration to be published.

(1589.) SEC. 23. The liability of the persons composing the original partnership shall remain unchanged, except as between each other, until the certificate and affidavit shall be filed and the notice duly published, as hereinbefore provided.¹

Liabilities of original partnerships.

(1590.) SEC. 24. A special partner may from time to time examine into the state and progress of the partnership concerns, and may advise as to their management; he may also loan money to, and advance and pay money for the partnership, and may take and hold the notes, drafts, acceptances, and bonds of or belonging to the partnership, as security for the repayment of such moneys and interest, and may use and lend his name and credit as security for the partnership, in any business thereof, and shall have the same rights and remedies in these respects as any other creditor might have.¹

Rights of a special partner.

¹The last four sections added by Act 144 of the Laws of 1861, p. 223, approved and took effect March 18, 1861.

CHAPTER XXXVII.

PRIVATE ASSOCIATIONS AND PARTNERSHIPS IN
MINING AND MANUFACTURING PURPOSES

An Act to regulate private associations and partnerships.

[Approved May 18, 1846. Laws of 1846, p. 265.]

Persons may as-
sociate for
mining and
manufacturing
purposes.

Articles of as-
sociation.

(1591.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any five or more persons who shall be desirous of uniting in a partnership or association for the purpose of mining and manufacturing iron, copper or other materials, in any form, within the limits of this State for the purpose of making from the ore any kind of metal, in any form, or mining for ores of any kind from which metal is or may be extracted, may make, sign, and acknowledge before a judge of any court of record in this State, or a master in chancery, or a justice of the peace, and file in the office of the Secretary of State, and in the office of the register of the county where the operations of the company are intended to be conducted, if organized, and if not, then in the office of the register of the county in which it may be attached for judicial purposes; and if it be not so attached, then in the office of the register of the nearest organized county in this State, articles of agreement and copartnership in writing, in which shall be stated the name which they agree upon for the said partnership or association, and the object for which it is formed; the period of its continuance; the amount of capital stock; the number of shares of which the said stock shall consist; the number of trustees and their names, and who shall manage its concerns the first year; and the names of the township and county in which the operations of said association or partnership are to be carried on.

(1592.) SEC. 2. As soon as such certificate and articles shall be filed as aforesaid, the persons who shall have signed and acknowledged the same, and their assigns, for such time as they may agree upon, not exceeding twenty-five years next after the day of filing such articles of agreement and copartnership, and for the more convenient transaction of their business by the copartnership name, as stated in such agreement, shall in law be capable of buying, purchasing, holding, conveying, selling, and transferring any lands, tenements, hereditaments, goods, wares, and merchandise whatsoever, necessary to enable them to carry on their operations mentioned in said articles: *Provided*, That in all conveyances, assignments, deeds, or other transfers of property by said association or company, the instruments of conveyance shall be signed by the said secretary and a majority of the trustees thereof, and acknowledged before some officer qualified to take proof and acknowledgment of deeds and other conveyances.

Powers of associations.

How conveyances, etc., to be executed by.

(1593.) SEC. 3. The stock, property, affairs, and concerns of such company shall be managed and conducted by trustees, a majority of whom shall be permanent residents of this State. They shall be elected at such time and place and in such manner as shall be directed by the by-laws of the same. Said trustees shall choose one of their number president, and appoint a secretary, one of whom shall be a permanent resident of this State; and whenever any vacancy shall happen among the trustees by death, resignation, or removal out of the State, such vacancy shall be filled for the remainder of the year in such manner as shall be provided by the by-laws of the association: *Provided always*, That the number of trustees shall not exceed nine, and they shall be members of the company, and stockholders in the same.

Trustees to manage affairs of company.

Proviso.

(1594.) SEC. 4. Each company organized under this act shall, during the month of January in each year, make and file under the oath of the president or a director thereof, in the office of the Secretary of State, a statement of the names and number of shares held by each, and the places of residence, if known, of all the stockholders or shareholders in such company, on the first day of said month of January.

Yearly statement to be filed.

(1595.) SEC. 5. In case it shall at any time happen that an election of trustees be not made on the day when by the by-laws it ought to have been done, the said partnership for that cause shall not be dissolved; but it shall and may be lawful on any other day to hold an election for trustees, in such manner as shall be directed by the by-laws.

When no election of trustees, partnership not dissolved.

Capital stock.

(1596.) SEC. 6. The capital stock of such company shall exceed one hundred thousand dollars; and it shall be lawful the trustees to call upon and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such portions as they shall deem proper, under pain of forfeiting the shares of said stockholders and all previous payments made thereon, and all their interest in the partnership property; such payments shall not be made within thirty days after a notice requiring such payment shall have been published in such newspaper as aforesaid.

By-laws of association.

(1597.) SEC. 7. The stockholders for the time being shall have power to make and prescribe, and from time to time to alter, such by-laws, rules, and regulations as they shall deem proper, respecting the management and disposition of the stock, property, estate, real, personal, and mixed of said association or company; the duties and powers of the officers, artificers, and servants; whom they shall think proper to be employed; the election of trustees, and all such matters as appertain to the concerns of said company, not inconsistent with the Constitution and laws of this State or the United States; which said by-laws, when filed in the office of the Secretary of State and published, shall be deemed and taken to be a part and parcel of the articles of copartnership and association; and it shall not be lawful for such company to use their funds, or any part thereof, in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, for any other purposes than those particularly specified in such instruments as aforesaid: *Provided*, That such by-laws shall not authorize the incurring of debts, liabilities, or loans, exceeding the aggregate one-half of the capital stock of the company paid up.

Proviso.

Stock deemed personal estate.

(1598.) SEC. 8. The stock of said copartnership or association shall be deemed personal estate, and transferable in such manner and with such limitations and conditions, as shall be prescribed in the articles of the association; but no transfer of any share or shares of said stock, except by operation of law, shall be binding or valid, unless assented to by the members, or some officers or agent of said association, in some mode to be prescribed by the articles or by-laws, and unless a minute and registry of the same shall be made in a book kept for that purpose by the secretary, which book shall be at all times subject to inspection by any creditor of said company or person interested in the same. The secretary shall at any time, on reasonable request, furnish

Transfer of stock.

any creditor or person interested, a written list or statement of the stockholders in said company.

(1599.) SEC. 9. Said company shall not be dissolved by the death of any of its stockholders, or by the transfer, by operation of law, of the interest of any stockholder; but in all such cases any person becoming entitled to such stock shall be admitted a member of such company, and shall have the same rights and be subject to the same liabilities as attached to the owner of said stock up to the time when his interest in the same ceased.

Company not dissolved by death of stockholder or transfer of stock.

(1600.) SEC. 10. All actions and suits at law and in equity, to be commenced or instituted on behalf of the company or copartnership, shall be commenced or instituted in the name of the president for the time being, or in the name of the person acting or officiating as such, or in the name of any one trustee for the time being, for that purpose to be appointed as the nominal plaintiff or petitioner in behalf of the company. All actions and suits at law or in equity, to be commenced or instituted against the company or copartnership, shall be commenced or instituted against the president for the time being of the company, or the person acting or officiating as such, or against any one trustee of the company as the nominal defendant on behalf of the company, and process served upon either of the above shall be deemed service on the company. It shall be lawful and sufficient to state the name of the president for the time being, or of the person acting or officiating as such, or of any one trustee of the company so appointed as aforesaid, and to describe him as such president or trustee of such company, without naming the individual members and copartners or stockholders; and the death, resignation, removal, or any act of such president, or of any trustee so appointed, shall not abate or prejudice any such action, suit, or other proceeding commenced against, or by, or on behalf of the company. In all actions and suits against the company, a service of process on the president for the time being, or the person acting or officiating as such, or on any trustee, shall be deemed a service on said company. The decrees and orders of a court of equity, and judgments at law, in suits commenced and prosecuted as aforesaid, although in form they may be against such president or a trustee, shall take effect and operate against the property of the company; and execution upon any such decree or judgment may be issued and levied upon the joint or copartnership property of the company; and for all debts which shall be due and owing by the copartnership or company at any time, the persons composing the same at the time

Actions by and against.

when the debts were incurred, shall be individually, and personally liable to the amount of the stock held by them, after all the joint property of the said company within this State shall first have been exhausted by execution against the association or company; but the stockholders shall be individually liable for all the debts of the said company, whenever such indebtedness exceeds in the aggregate the amount in proportion to which the same is limited and authorized by this act.

Certified copy, articles of association and by-laws, to be evidence.

(1601.) SEC. 11. A copy of any article of agreement and by-law filed in pursuance of this act and certified to be a true copy by the Secretary of State, or his deputy, or by the register of the county where filed, shall, together with this act, be received in all courts and places as legal evidence of the formation of such company and association, and of all the powers, duties, and liabilities of the members thereof.

Act subject to repeal.

(1602.) SEC. 12. The Legislature may alter, amend, or repeal this act, or dissolve any association organized under the provisions

Company not to be a corporation.

this act; and nothing herein contained shall tend, or be deemed to, to construe, or taken to incorporate the same company or copartnership, or to relieve or discharge the said company or copartnership, or any of the members thereof, or subscribers to the said undertaking, from any responsibility, duties, contracts, or obligations whatsoever, which, by law they are now, or at any time hereafter, shall be subject or liable to, between the said company or copartnership and others, or between the individual members of the said company or corporation, or any of them, and others, or among themselves, or in any other manner whatsoever, except so far as the same are affected by the provisions of this act and the true intent and meaning thereof.

Business to be carried on within the State.

(1603.) SEC. 13. Every association formed under the provisions of this act, for mining operations within this State, which shall engage in the business of crushing, cleansing, separating, and smelting the ores and products of any mine, for the reduction thereof to a convenient marketable shape, shall conduct and carry on the said business of crushing, cleansing, separating and smelting any such ores, wholly within the limits and jurisdiction of this State at all times after the lapse of three years from the passage of this act.

Specific tax on company.

(1604.) SEC. 14. Every association formed for mining purposes under the provisions of this act shall be subject to the payment of a specific State tax of four per cent, to be in lieu of all other taxes and to be levied and collected upon all ores and the products

all mines opened and worked by any such association within the limits of this State, excepting iron and the product of iron mines, which shall be subject to a specific State tax of two per cent in lieu of all other taxes, to be collected as aforesaid. Such specific State tax shall be in all cases assessed upon the average yield and value of such ores after the same are smelted, if smelted within this State, but if not smelted within this State, then the said tax shall be paid before such ores are removed from the premises where they are raised.

(1605.) SEC. 15. Such assessment may hereafter be made upon the actual yield and product of any such mine, for the year next preceding, upon a statement thereof verified by the oath of the person having constant charge of the working of any such mine: *Provided*, That the Governor of the State may hereafter appoint, under the direction of the Legislature, a resident agent to superintend the assessment and collection of such tax under the provisions of law therefor.

How assessment made.

(1606.) SEC. 16. Any association formed under the provisions of this act, for any neglect or refusal to comply with the requirements of the three preceding sections, shall forfeit all rights acquired under the provisions of this act.

Forfeiture for neglect to comply with provisions of act.

(1607.) SEC. 17. Every company formed under the provisions of this act shall keep, in a proper book to be appropriated for that purpose exclusively, an accurate daily account of the debts and indebtedness of said company; the dates or times when the same were created or accrued; for what and to whom the same were made or incurred; and, if any, what bond, note, bill, or security has been executed or given for or to secure the payment thereof; and such company shall keep a like daily account of all moneys, debts, and indebtedness disbursed, paid, or canceled by such company, and when paid and to whom, and if for a debt or indebtedness of the company, the time or times when the same and the respective portions thereof were incurred or created; and any creditor of said company whose demand is past due may, upon demand therefor made, inspect and examine either or both of the aforesaid books of said company; and in case such company is sued in any court of record of the county in which the business of said company is conducted, such court may, upon cause shown, order either or both of the books aforesaid to be produced in open court for inspection, and enforce obedience to such order by attachment or otherwise.

Daily account of debts and payments to be kept.

SEC. 18. This act shall take effect and be in force from and after its passage.

CHAPTER XXXVIII.

THE CONSTRUCTION OF LINES OF TELEGRAPH
BY INDIVIDUALS AND ASSOCIATIONS.

An Act authorizing any persons to construct lines of electric telegraph in the State of Michigan.

[Approved January 23, 1847. *Laws of 1847, p. 4.*]

Who may construct line.

(1608.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any person or persons may be and they are hereby authorized to construct and maintain lines of electric telegraph, together with all necessary fixtures appurtenant thereto, from point to point, upon and along any of the public roads or highways, or railroads, and across any of the waters or bridges within the limits of this State, or upon the land of any individual, the owners of the land through which said telegraphic lines may pass having first given their consent: *Provided,* That the same shall not in any instance be so constructed as to incommode the public in the use of said roads, or highways and bridges, or endanger or injuriously interrupt the navigation of said waters.¹

Proviso.

What intelligence shall have precedence.

(1609.) SEC. 2. At every telegraphic office, established for the purpose of communicating intelligence on any of the lines constructed by virtue of the provisions contained in the foregoing section, communications received for the transmission of intelligence upon any of said lines, shall have precedence in the order in which they are received, and be communicated accordingly; and any violation of the provisions of this section by any officer, person, or persons having charge of, or employed in conducting or transact-

¹ As amended by Act No. 10 of 1849, p. 7.

ing the business of said office, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both, at the discretion of the court having cognizance of the same.

(1610.) SEC. 3. The owner or owners of any telegraphic line, constructed under the provisions of this act, shall pay to the State an annual tax of twenty-five cents upon every mile in length so constructed, in lieu of all other taxes, which shall be paid in the last week in January in each year, to the State Treasury. Annual tax.

(1611.) SEC. 4. The State shall have a lien upon any line constructed as aforesaid, and its appurtenances, for all taxes which may accrue thereon to the State, by virtue of the provisions of the foregoing section; and in case the tax, or any part thereof, shall remain unpaid at the time hereinbefore provided for its payment, then the State Treasurer shall have power, and it is hereby made his duty, to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the city of Detroit, by giving three weeks' previous notice, and to sell the same accordingly for the amount of tax and interest and charges of sale: *Provided*, The same shall not be paid before the time of sale; and the surplus money, if any, shall be paid to the owner or owners of such line. Lien of the State for taxes. Provide.

(1612.) SEC. 5. Any person or persons who shall knowingly or willfully injure, molest, or destroy any of said lines or appurtenances belonging thereto, and any person who shall counsel or advise the injury, molestation, or destruction of any of said lines or appurtenances thereto belonging, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court having cognizance thereof. Penalty for willful injury to line.

(1613.) SEC. 6. The Legislature may at any time alter, modify, or repeal this act, and the same shall take effect and be in force from and after its passage. Act may be altered or repealed.

An Act authorizing any five or more persons to form associations or companies for the purpose of constructing any line or lines of electric telegraph in the State of Michigan.

[Approved March 5, 1847. *Laws of 1847, p. 41.*]

(1614.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any five or more persons who shall form an association or company for the purpose of constructing and using any line or lines of telegraph in this Associations for the construction of lines of telegraph.

State, or commencing in this State and terminating elsewhere, shall be entitled to all the benefits, privileges, and immunities, subject to all the pains, penalties, and liabilities contained in the act entitled "An act to regulate private associations and partnerships," approved eighteenth day of May, one thousand eight hundred and forty-six, so far as the provisions of that act are consistent with the purposes of such associations or companies, and inconsistent with the provisions of an act entitled, "An act authorizing any persons to construct lines of electric telegraph in the State of Michigan," approved the twenty-eighth day of January, one thousand eight hundred and forty-seven.

Laws of 1846, p. 265.
See Chapter 88.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXXIX.

THE REGULATION OF CERTAIN COMPANIES AND THEIR AGENTS, NOT INCORPORATED BY THIS STATE.

An Act to regulate telegraph companies and their agents, and individuals doing telegraph business, not incorporated by the State of Michigan.

[Approved March 27, 1867. Laws of 1867, p. 163.]

Procure license. (1615.) SECTION 1. *The People of the State of Michigan enact* That it shall not be lawful for any telegraph company, association, or individual to transact the business of telegraphing or sending messages by telegraph within this State, without first procuring a certificate of authority or license from the State Treasurer of the State; and before obtaining such certificate, such company, association, or individual, shall furnish the State Treasurer of the State, annually, in the month of March in each year, with a statement under oath, of the president, treasurer, or superintendent

Make statement
under oath.

such company, association, or individual, which statement shall show—

First. The name and locality of the company or association ;

Second. The amount of its capital stock, and how much is paid up on such stock ;

Third. The amount of gross receipts on their current business in this State, for the year ending December thirty-first, next preceding such report.

(1616.) SEC. 2. It shall be a condition precedent to the issuing or the renewal of the annual certificate or license of the State Treasurer, that the company making the statement shall pay into the State Treasury a specific State tax of two per cent on the gross amount received by said company in this State for business done therein for the year covered by the report provided for in section one of this act, which said specific State tax may be recovered in any court at the suit of this State. It shall be the duty of the State Treasurer to give his receipt for all money paid into the State Treasury, under the provisions of this act, and to issue as many copies of the annual certificate or license as may be desired by said company.

Taxed two per cent.

Duty of State Treasurer.

(1617.) SEC. 3. Any telegraph company, association, firm, copartnership, or individual, complying with the requirements of this act, and receiving the certificate or license from the State Treasurer of this State, shall be permitted to do business freely in any part of this State.

Permission to transact business.

(1618.) SEC. 4. Any person or persons violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum of not less than ten and not exceeding one hundred dollars, for each and every act, at the discretion of the court. Violations of the provisions of this act may be prosecuted in the name of the people of the State of Michigan, and it shall be the duty of the prosecuting attorney of each county in this State to prosecute for any violation of the provisions of this act.

Violation of this act.

Penalty.

How prosecuted

An Act to regulate express companies and their agents, and individuals prosecuting the express business, not incorporated by the State of Michigan.

[Approved March 27, 1867. Laws of 1867, p. 194.]

(1619.) SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful, after February first, eighteen hundred and sixty-eight, for any person or persons to act within this State,

Must procure license.

Annual certified statement.	as agent or officer, in transacting the express business, or forwarding of packages or parcels by express, for any company, association, or individual, without first procuring a certificate of authority or license from the State Treasurer of this State; before obtaining such certificate, such company, association, individual, agent, or agents shall furnish the State Treasurer of this State annually, in the month of January in each year, with a statement under oath, of the president, treasurer, secretary, or general agent of such company, association, or individual, for which he or she may act, which statement shall show—
Contents.	<p><i>First.</i> The name and locality of the company or association;</p> <p><i>Second.</i> The amount of its capital stock, and how much is invested upon such stock;</p> <p><i>Third.</i> The number of agencies or places of business of such company in this State;</p> <p><i>Fourth.</i> The amount of gross receipts on their current business in this State, for the year ending December thirty-first, next preceding such report.</p>
Amount of State tax.	(1620.) SEC. 2. It shall be a condition precedent to the issue or the renewal of the annual certificate or license by the State Treasurer, that the company, association, or individual making such statement shall pay into the State Treasury a specific State tax of one per cent on the gross amount received by said company, association, or individual, within this State for the year included in the report provided for in section one of this act, which specific tax may be recovered in any court at the suit of this State.
Copies of license.	It shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State Treasury under the provisions of this act, and to issue as many copies of the annual certificate or license as may be desired by said company, but not more than one for each agent or place of business of said express company, association, or individual in this State.
Permit after compliance.	(1621.) SEC. 3. Any express company, association, firm, partnership, or individual, complying with the requirements of this act, and receiving the certificate or license from the State Treasurer of this State, shall be permitted to do business freely in any part of this State.
Penalty of violation.	(1622.) SEC. 4. Any person or persons violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum of not less than ten and exceeding one hundred dollars, for each and every act, at the discretion of the court. Violations of the provisions of this act

be prosecuted in the name of the people of the State of Michigan, and it shall be the duty of the prosecuting attorney of each county in this State to prosecute for any violations of the provisions of this act.

(1623.) SEC. 5. Any express company, corporation, or association prosecuting the express business in this State, not incorporated by the laws thereof, shall, if incorporated or organized under the laws of any other State, or of any foreign government, mention, in the statement required by the first section of this act to be filed, the law or laws under which they claim to be so incorporated or organized. Such companies, corporations, or associations may be sued and may sue in the name set forth in such statement, and may hold, use, and employ such real and personal property as may be actually used or employed in whole or in part in the carrying on of such business, and proper and necessary therefor, and may convey the same.¹

Statement of companies of other States to mention laws they are incorporated under.

Powers of such companies.

(1624.) SEC. 6. Any such company, corporation, or association, not incorporated under the laws of this State, and any individual who is not a resident of this State, and any copartnership the members of which are all or in part non-residents of this State, shall, prior to the issuing or renewal of the certificate by the State Treasurer, make and execute, under seal, a power of attorney, authorizing an attorney or attorneys in this State, on whom process of law can be served. Such power of attorney shall be acknowledged before some officer authorized by law of this State to take acknowledgments of deeds, and shall be filed in the office of the State Treasurer, and a certified copy thereof shall be filed in the office of the clerk of the county where such attorney or attorneys reside, or have his or their office. Such appointment shall continue until another attorney shall be substituted, and a new power of attorney duly acknowledged, and a certified copy thereof shall be filed as above provided. Process may be served on such attorney for the purpose of commencing actions upon any liability or indebtedness incurred or contracted while such company, corporation, or association, individual or copartnership transacted business in this State. Such corporation, company, associations, individuals, and members of such copartnership shall, for the purposes of suits, be deemed residents of the county in which such suits shall be commenced, and such service shall be deemed a valid personal service upon such company, corporation, or association, individual, or persons composing such copartnership.¹

To appoint attorneys.

Power of attorney; how acknowledged and where filed.

Continuance of the appointment

When process may be served on attorney.

Corporations deemed residents of any county for purposes of suits.

¹ As added by Act 58 of the Laws of 1871, p. 64, approved and took effect March 29, 1871.

CHAPTER XL.

BROKERS AND EXCHANGE DEALERS.

An Act relative to brokers and exchange dealers.

[Approved February 14, 1859. Laws of 1859, p. 444.]

Business of
brokers.

(1625.) SECTION 1. *The People of the State of Michigan en*
That no person or persons shall be engaged in the business
broker, or of buying or selling current or uncurrent money or b
notes, or in the exchange thereof, or in the buying or sell
exchange, or in the exchange of coins, or in the receiving
deposits of money or bank notes, as such broker or exchange dea
unless such person or persons shall first make and file with
county clerk of the county in which such broker's office is or s
be located, a certificate in writing, to be signed by each, and v
fied by the affidavit of one of the members of said copartner
or company, setting forth the full name of each and every pe
composing the said firm, and the residence of each, the n
and style of the firm, the terms of said partnership, and the len
of time for which it is to continue, if limited by the partner
contract, and also the locality of their place of business; w
certificate shall be kept in the office of the said county clerk,
public document, and open to the inspection of any person.

Certificate to be
filed.

What to set
forth.

New certificate
required in case
of change.

(1626.) SEC. 2. In case there shall be, at any time after the n
ing and filing of said certificate, any change in the name or
of said firm, or in the terms of their partnership, then a new
tificate, verified as before specified, shall in like manner be filed
required by section one of this act, before such change shall
effect; and until such new certificate shall have been made

filed, as above specified, the individual member or members of the firm, as set forth in the certificate on file, shall be held to be the actual members of the firm, and in all respects holden and liable for any obligation, debt, or liability incurred by the said company, as brokers or exchange dealers.

(1627.) SEC. 3. A certified copy of the said certificate on file in the county clerk's office, signed by the county clerk, and attested by the seal of the circuit court of the county, shall be held to be good and sufficient evidence of any or all the facts in said certificate stated and set forth. Copy to be evidence.

(1628.) SEC. 4. If any person shall carry on or be engaged in carrying on the business of a broker or exchange dealer, contrary to the provisions of this act, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not less than one hundred dollars nor more than one thousand dollars, at the discretion of the court. Penalty for violation.

(1629.) SEC. 5. Sections ten, eleven, twelve, thirteen, fourteen, and fifteen of chapter eighteen of the Compiled Laws, are hereby repealed.

CHAPTER XLI.

MONEY OF ACCOUNT, AND THE INTEREST OF MONEY, AND ON JUDGMENTS, VER- DICTS, ETC.

Chapter thirty-four of Revised Statutes of 1846.

(1630.) SECTION 1. The money of account of this State shall be the dollar, cent, and mill; and all accounts in the public offices, and all other public accounts, and all proceedings in courts, shall be kept and had in conformity with this regulation. Money of account.

(1631.) SEC. 2. Nothing contained in the preceding section shall vitiate or affect any account, charge, or entry originally made, or any note, bond, or other instrument expressed in any other Notes etc., expressed in other money of account, to be reduced to dollars, etc.

money or account; but the same shall be reduced to dollars and parts of a dollar, as hereinbefore directed, in any suit thereupon.

INTEREST OF MONEY.

Rate of interest. (1632.) SEC. 2. The interest of money shall be at the rate of seven dollars upon one hundred dollars for a year, and at the same rate for a greater or less sum, and for a longer or shorter time, except that in all cases it shall be lawful for the parties to stipulate in writing for the payment of any rate of interest, not exceeding ten per cent per annum.

What rate parties may stipulate for.

Usury and the penalty therefor.
9 Mich. 21.
10 Mich. 148.

(1633.) SEC. 4. No bond, bill, note, contract, or assurance made or given for or upon a consideration or contract, whereby or whereon a greater rate of interest has been, directly or indirectly, reserved, taken, or received than is allowed by law, shall be thereby rendered void; but in any action brought by any person on such usurious contract or assurance, except as is provided in the following section, if it shall appear that a greater rate of interest has been, directly or indirectly, reserved, taken, or received than is allowed by law, the plaintiff shall have judgment for the principal and legal interest only, exclusive of the usury.

1848, p. 54.
Wal. Ch. E. 529.

When usury not to affect negotiable notes, etc.

11 Mich. 59, 199.

(1634.) SEC. 5. In any action brought on any bill of exchange or promissory note payable in money, and to order or bearer, originally given or made for or upon any usurious consideration or contract, if it shall appear that the plaintiff became, in good faith, the indorsee or holder of such bill of exchange or promissory note, for a valuable consideration, before the same became due, then and in such case, unless it shall further appear that the plaintiff at the time of becoming such indorsee or holder had actual notice that such bill or note was given for or upon a usurious consideration or contract, he shall be entitled to recover thereon, in the same manner, and to the same extent, as if such usury had not been alleged and proved.¹

INTEREST ON JUDGMENTS, VERDICTS, ETC.

Interest on judgments and decrees.

(1635.) SEC. 6. Interest may be allowed and received upon all judgments at law for the recovery of any sums of money, and upon all decrees in chancery for the payment of any sums of money, whatever may be the form or cause of action or suit in which such judgment or decree shall be rendered or made; and such

¹ For former statutes relative to the rate of interest and usury, see Code of 1820, p. 292; Revision of 1827, p. 257; Laws of 1829, p. 52; Revision of 1833, p. 343; Revised Statutes of 1838, p. 160; Laws of 1843, p. 54.

interest may be collected on execution at the rate of seven per centum per annum: *Provided*, That on a judgment rendered on any written instrument, having a different rate, the interest shall be computed at the rate specified in such instrument, not exceeding ten per centum.¹

(1636.) SEC. 7. In all actions founded on contracts, express or implied, whenever in the execution thereof any amount in money shall be liquidated or ascertained in favor of either party, by verdict, report of referees, award of arbitrators, or by any other mode of assessment according to law, it shall be lawful, unless such verdict, report, award, or assessment shall be set aside, to allow and receive interest upon such amount so ascertained or liquidated, until payment thereof, or until judgment shall be thereupon rendered; and in making up and recording such judgment, the interest on such amount shall be added thereto, and included in the judgment.

Interest on verdicts, etc.

An Act relating to interest upon installments falling due upon written contracts.

[Approved February 19, 1869. *Laws of 1869, p. 12.*]

(1637.) SECTION 1. *The People of the State of Michigan enact*, That when any installment of interest upon any note, bond, mortgage, or other written contract shall have become due, and the same shall remain unpaid, interest may be computed and collected on any such installment so due and unpaid, from the time at which it became due, at the same rate as specified in any such note, bond, mortgage, or other written contract, not exceeding ten per cent; and if no rate of interest be specified in such instrument, then at the rate of seven per centum per annum.

Interest may be collected on interest due and unpaid.

An Act relative to the interest on contracts between citizens of this State and other States and countries, payable elsewhere than in this State.

[Approved March 13, 1861. *Laws of 1861, p. 220.*]

(1638.) SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any person or corporation, borrowing money in this State, to make notes, bills, bonds, drafts, acceptances, mortgages, or other securities, for the payment of principal or interest, at the rates authorized by the laws of this State, payable at the place where the parties may agree, although the legal

Rate of interest on notes, etc., payable out of this State.

¹ As amended by "An act to amend section six, chapter thirty-four, title six, of the Revised Statutes of 1846," approved February 10, 1855, took effect May 16, 1855. *Laws of 1855, p. 181.*

rate of interest in such place may be less than in this State; and such notes, bonds, bills, drafts, or other securities, shall not be regarded or held to be usurious, nor shall any securities taken for the same, or upon such loans, be invalidated in consequence of the rate of interest of the State, kingdom, or country, where the paper is made payable, being less than in this State, nor of any usury or penal law therein.

Not usurious if interest does not exceed the rates authorized by this State.

(1639.) SEC. 2. No plea of usury, nor defense founded upon an allegation of usury, shall be sustained in any court in this State, nor shall any security be held invalid on an allegation of usury, where the rate of interest reserved, discounted, or taken, does not exceed that allowed by the laws of this State, in consequence of such security being payable in a State, kingdom, or country where such rate of interest is not allowed.

Parties loaning money may take interest authorized by this State without reference to law of place where payable.

(1640.) SEC. 3. It shall be lawful for all parties loaning money in this State, to take, reserve, or discount interest upon any note, bond, bill, draft, acceptance, or other commercial paper, mortgage or other security, at any rate authorized by the laws of this State, whether such paper or securities, for principal or interest, be payable in this State, or in any other State, kingdom, or country, without regard to the laws of any other State, kingdom, or country; and all such notes, bonds, bills, drafts, or acceptances, or other commercial paper, mortgages or other security, shall be held valid in this State, whether the parties to the same reside in this State or elsewhere.

Interest on loans payable in other States not affected by the laws thereof.

(1641.) SEC. 4. When any contract or loan shall be made in this State, or between citizens of this State and any other State or country, bearing interest at any rate which was or shall be lawful according to any law of the State of Michigan, it shall and may be lawful to make the amount of principal and interest of such contract or loan payable in any other State or territory of the United States, or in England; and in all such cases, such contract or loan shall be deemed and considered as governed by the laws of the State of Michigan, and shall not be affected by the laws of the State or country where the same shall be made payable; and no contract or loan which may have heretofore been made or entered into in this State, or between citizens of this State and of any other country, bearing interest at a rate which was legal according to the laws of this State at the time when the same was made or entered into, shall be invalidated or in any wise impaired or affected by reason of the same having been made payable in any other State or country.

CHAPTER XLII.

THE SUPPORT AND REGULATION OF MILLS.

Chapter one hundred and thirty-two of Revised Statutes of 1846.

(1642.) SECTION 1. When any mill which is owned by several persons as joint tenants or tenants in common, or the dam or appurtenances of such mill, shall need to be repaired or to be rebuilt, in whole or in part, and the proprietors shall not all agree to join in repairing or rebuilding the same, the greater part in interest of the proprietors may cause the work to be done at the expense of the whole, in proportion to their respective interests.

When mill may be repaired, etc., by part of owners at expense of all.

4 Mass. 559.
11 Mass. 325.

(1643.) SEC. 2. Any one or more of the proprietors may, in such case, call a meeting of the whole of them, to be held at the mill, to consult and agree upon the measures to be taken for repairing or rebuilding the same, which meeting shall be called by a written notice, signed by the person who called it, and addressed to each of the other proprietors, expressing that the mill in question needs to be repaired or rebuilt, and that a meeting of the proprietors thereof will be held at the mill, or at some place in the county where the mill is situated, on a certain day and hour mentioned in the notice, to consult and agree upon the measures to be taken for that purpose, and requesting the attendance of the proprietors at such meeting.

Meeting of proprietors, how called.

(1644.) SEC. 3. The notice may be served by any constable or other disinterested person, and the certificate of such constable, indorsed on a copy of the notice, or the affidavit of such other person, annexed thereto, specifying the several persons, if more than one, on whom he served it, and the time and manner of the service on each, shall be deemed sufficient evidence thereof.

Notice, by whom served, and how returned.

rate of interest in such place may be less than in this State; and such notes, bonds, bills, drafts, or other securities, shall not be regarded or held to be usurious, nor shall any securities taken for the same, or upon such loans, be invalidated in consequence of the rate of interest of the State, kingdom, or country, where the paper is made payable, being less than in this State, nor of any usury or penal law therein.

Not usurious if interest does not exceed the rates authorized by this State.

(1639.) SEC. 2. No plea of usury, nor defense founded upon an allegation of usury, shall be sustained in any court in this State, nor shall any security be held invalid on an allegation of usury, where the rate of interest reserved, discounted, or taken, does not exceed that allowed by the laws of this State, in consequence of such security being payable in a State, kingdom, or country where such rate of interest is not allowed.

Parties loaning money may take interest authorized by this State without reference to law of place where payable.

(1640.) SEC. 3. It shall be lawful for all parties loaning money in this State, to take, reserve, or discount interest upon any note, bond, bill, draft, acceptance, or other commercial paper, mortgage or other security, at any rate authorized by the laws of this State, whether such paper or securities, for principal or interest, be payable in this State, or in any other State, kingdom, or country, without regard to the laws of any other State, kingdom, or country; and all such notes, bonds, bills, drafts, or acceptances, or other commercial paper, mortgages or other security, shall be held valid in this State, whether the parties to the same reside in this State or elsewhere.

Interest on loans payable in other States not affected by the laws thereof.

(1641.) SEC. 4. When any contract or loan shall be made in this State, or between citizens of this State and any other State or country, bearing interest at any rate which was or shall be lawful according to any law of the State of Michigan, it shall and may be lawful to make the amount of principal and interest of such contract or loan payable in any other State or territory of the United States, or in England; and in all such cases, such contract or loan shall be deemed and considered as governed by the laws of the State of Michigan, and shall not be affected by the laws of the State or country where the same shall be made payable; and no contract or loan which may have heretofore been made or entered into in this State, or between citizens of this State and of any other country, bearing interest at a rate which was legal according to the laws of this State at the time when the same was made or entered into, shall be invalidated or in any wise impaired or affected by reason of the same having been made payable in any other State or country.

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When mill may be repaired, etc., by part of owners at expense of all.

4 Mass. 559.
11 Mass. 325.

(1643.) SEC. 2. Any one or more of the proprietors may, in such case, call a meeting of the whole of them, to be held at the mill, to consult and agree upon the measures to be taken for repairing or rebuilding the same, which meeting shall be called by a written notice, signed by the person who called it, and addressed to each of the other proprietors, expressing that the mill in question needs to be repaired or rebuilt, and that a meeting of the proprietors thereof will be held at the mill, or at some place in the county where the mill is situated, on a certain day and hour mentioned in the notice, to consult and agree upon the measures to be taken for that purpose, and requesting the attendance of the proprietors at such meeting.

Meeting of proprietors, how called.

(1644.) SEC. 3. The notice may be served by any constable or other disinterested person, and the certificate of such constable, indorsed on a copy of the notice, or the affidavit of such other person, annexed thereto, specifying the several persons, if more than one, on whom he served it, and the time and manner of the service on each, shall be deemed sufficient evidence thereof.

Notice, by whom served, and how returned.

How notice to be served.

(1645.) SEC. 4. The notice shall be served by delivering the original to the person to whom it is addressed, or by leaving such notice at his dwelling-house, or at his last and usual place of abode, not more than thirty days nor less than seven days before the day appointed for the meeting.

Majority in interest may take measures to repair, etc.

(1646.) SEC. 5. At the meeting so called, or at any adjournment thereof, the greater part in interest of the whole body of the proprietors of the mill may take measures to cause the mill, or the dam, or appurtenances thereof, to be repaired or rebuilt, as they shall judge most for the interest of all who are concerned therein.

Each proprietor to pay his proportionate share of expenses.

(1647.) SEC. 6. Every proprietor of the mill shall pay his just and equal part of the charge and expense of such repair or rebuilding, in proportion to his share of interest in the mill, which sum shall be paid on demand, after the work is completed, to the proprietors by whom it shall have been advanced, with interest from the time of the advance.

Proprietors advancing money, to have lien on rents and profits, or may maintain suit.

(1648.) SEC. 7. The proprietors who shall advance the money so expended, shall have a lien therefor on the rents and profits of the mill, and may retain so much thereof as belongs to any proprietor who is indebted to them for such advance, to be applied to the payment of his debt, or they may maintain a suit for such debt, or for as much thereof as shall not be paid out of the rents and profits.

Guardians to act for minors, etc.

(1649.) SEC. 8. When any proprietor is under guardianship, as a minor or otherwise, his guardian may act for him in calling a meeting of the proprietors, or in attending such a meeting, and may vote for the ward, and may do all such other acts in the premises as the ward could do if competent to act for himself; all which shall be binding on the ward and on his estate.

When husband to act for his wife.

(1650.) SEC. 9. When any part of the mill is held by a married woman, her husband may in like manner represent her, and appear and act for her at such meeting, and his doings shall have the same effect as if they had been done by her before their inter-marriage.

Apportionment of expense, in case of tenant for life.

(1651.) SEC. 10. When any part of the mill is held by any person as tenant for life or years, with remainder or reversion to another person, the sum due for repairs and other expenses on that part of the mill shall be apportioned on the tenant for life or years, and on the remainder-man, or reversioner, in proportion to their respective interests in the premises, or as shall be equitable and just; and the party to whom the money shall be due from such remainder-man, or reversioner, shall have a lien on the rents and

profits belonging to him after his estate shall come into possession, if not sooner paid, notwithstanding any limitation by lapse of time.

(1652.) SEC. 11. Every mortgagee in possession shall be considered as a proprietor, for all the purposes of this chapter, but the mortgagor shall also be liable for all sums so due on account of his share of the mill, so far as the same are not recovered of the mortgagee, provided the action therefor is brought against the mortgagor before his right of redemption is foreclosed; and all sums paid by the mortgagee on such account, shall be considered and allowed between him and the mortgagor as so much added to the mortgage.

Mortgagee in possession, and mortgagor, how far liable.

(1653.) SEC. 12. All sums due from one proprietor to another, for moneys advanced under the provisions of this chapter, may be recovered in an action of assumpsit; and when two or more proprietors are so indebted, the creditor or creditors may maintain a bill in chancery against any two or more of them, in which suit the court shall determine what amount is due from each of the debtors severally, and shall award execution against each of them accordingly, and shall apportion the amount so recovered among the complainants in such suit, if more than one, according to their respective rights.

How moneys advanced may be collected.

(1654.) SEC. 13. Nothing in this chapter shall make void, or in any way affect, any contract or agreement between the proprietors of any mill, as to the repair or rebuilding thereof.

Contracts between proprietors not affected by this chapter.

(1655.) SEC. 14. Every miller occupying and using a grist-mill shall be provided with scales and weights, or a vibrating steelyard, to weigh corn, grain, flour, and meal, delivered at and taken from the mill, if required; and if he shall neglect to keep himself so provided, or shall refuse so to weigh corn, grain, flour, or meal, when required by any person delivering or taking away the same, he shall forfeit, for each neglect or refusal, not less than one dollar nor more than five dollars.

Miller to make scales, etc., and weigh grain, flour, etc.; forfeiture for neglect or refusal.

RATES OF TOLL FOR GRINDING.

(1656.) SEC. 15. The toll for grinding and bolting any wheat, rye, or other grain, shall not exceed one-tenth part thereof; for grinding, and not bolting, any wheat, rye, or other grain, except Indian corn, the toll shall not exceed one-twelfth part thereof; and for grinding, and not bolting, Indian corn, the toll shall not exceed one-tenth part thereof.

Rates of toll.
8 Mich. 58.

(1657.) SEC. 16. The owner or occupier of any grist-mill shall well and sufficiently grind the grain brought to his mill for that purpose, in due time, and in the order in which it shall be received,

Owner, etc., to grind grain in due time, and be accountable for safe delivery.

and shall be accountable for the safe keeping of all grain received in such mill for the purpose of being ground therein, and shall deliver the same when ground, or ground and bolted, as the case may be, with the bag or cask in which it was brought, when demanded, but every owner or occupant of a mill may grind his own grain at any time.

Construction of
last section.

(1658.) SEC. 17. Nothing contained in the last section shall be so construed as to charge the owner or occupant of any mill for the loss of any grain, bag, or cask, which shall happen by fire or inevitable accident, without the fault of such owner or occupant his agents or servants.

Liability of
miller in certain
cases.

(1659.) SEC. 18. Every miller, or owner or occupant of a grist-mill, who shall not well and sufficiently grind any grain as afore-said, or not in due time as the same shall be brought, or who shall exact or take more toll than is herein allowed, shall, in every such case, be liable to the party injured, in the sum of five dollars damages, over and above the actual damages sustained thereby.

CHAPTER XLIII.

THE FLOATING OF LOGS.

An Act to amend an act entitled "An act to provide for the floating of logs and timbers in the streams of this State," approved March sixteenth, eighteen hundred and sixty-one.¹

[Approved March 20, 1863. *Laws of 1863, p. 374.*]

Act amended.

SECTION 1. *The People of the State of Michigan enact, That an act entitled "An act to provide for the floating of logs and timbers in the streams of this State," approved March sixteenth, eighteen hundred and sixty-one, be so amended as to read as follows:*

¹This amendatory act is inserted in place of the original, as it supersedes it. See *Laws of 1861, p. 537.*

(1660.) SECTION 1. *The People of the State of Michigan enact,* Obstructions, how removed.
That if any person or persons shall put, or cause to be put, into any navigable river, creek, or stream of this State, any logs, timber, or lumber, for the purpose of floating the same to the place of manufacture or market, and shall not make adequate provisions and put on sufficient force for breaking jams of such logs, timber, or lumber, in or upon such river, creek, or stream, or for running or driving the same, or clearing the banks of such river, creek, or stream of the same, and shall thereby obstruct the floating or navigation of such river, creek, or stream, it shall be lawful for any other person, company, or corporation, floating or running logs, timber, or lumber in such river, creek, or stream so obstructed, to cause such jams to be broken, and such logs, timber, or lumber to be run, driven, and cleared from the banks of such river, creek, or stream, at the cost and expense of the person or persons owning such logs, timber, or lumber, and such owner shall be liable to such person, company, or corporation for such cost and expense; and such person, company, or corporation, so causing such jams to be broken, or such logs, timber, or lumber to be run, driven, or cleared, Persons removing obstructions to have a lien on logs, etc. may have a lien upon such logs, timber, or lumber, for his or their reasonable charges and expenses for breaking jams, and running, driving, and clearing the same, and shall be entitled to take and retain possession of such logs, timber, or lumber, or so much thereof as may be necessary to satisfy the amount of such charges and expenses, and all costs thereon, until the same shall be determined, satisfied, and paid in the manner hereinafter prescribed.

(1661.) SEC. 2. If any person claiming such logs, timber, or lumber for himself or another, shall execute and deliver a bond to the party claiming such lien, in a penal sum, to be not less than double the sum claimed, or such other sum, not less than the value of the property taken, as the circuit judge or the circuit court commissioner approving such bond shall direct, conditioned for the payment to the party claiming such lien, such sum as any court of competent jurisdiction shall find and determine to be due for such charges and expense in breaking such jams, and running, driving, and clearing such logs, timber, or lumber as aforesaid, and providing for the care and safety of the same, with sufficient sureties, to be approved by any circuit judge or circuit court commissioner, unless such approval shall be waived by the claimant of such lien, such lien shall thereupon be discharged. Lien, how discharged.

(1662.) SEC. 3. Any person, company, or corporation, claiming any lien as aforesaid, may bring an action of assumpsit against the owner of such property to determine and satisfy the amount of Persons claiming lien may bring action of assumpsit.

Action, when commenced.

Proceedings, manner of.

Proceedings when owner is unknown.

Plaintiff to publish notice.

Contents of notice.

Owner may defend in such proceedings.

If owner fail to appear, court may proceed *ex parte*.

such lien. If the amount claimed shall not exceed three hundred dollars, the action shall be commenced before any justice of the peace of the county in which the property, or any part thereof, may be situated; and if the amount claimed shall exceed three hundred dollars, then the action shall be brought in the circuit court for such county. The proceedings in such action shall be in accordance with the practice of the courts in which such action is commenced, in actions of assumpsit; and the property so held may be levied upon and sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit, including the costs and expenses of providing for the care and safety of such property.

(1663.) SEC. 4. If the owner of such logs, timber, and [or] lumber cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the petition of the person, company, or corporation claiming such lien, in the proper court, which shall contain a statement of the nature and amount of the claim and a description of the property seized, and that the owner of such property is unknown, or is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim; which petition shall be verified by the oath of the party filing the same, his agent or attorney. The plaintiff shall thereupon, and before any trial shall be had or judgment rendered in such proceeding, cause a notice to be published for four successive weeks, at least once in each week, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this State as such court shall direct, which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and a description of the property upon which the lien is sought to be enforced. The owner of such property shall have the right to appear and defend in such proceeding, at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed, as in actions of assumpsit, and all subsequent proceedings in such case shall be in accordance with the practice of such court in actions of assumpsit. If the owner shall fail to appear in such proceeding, the court may proceed *ex parte* to hear, try, and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judg-

ment shall be rendered in favor of such plaintiff, the court shall Sale of property. thereupon order that the property covered by such lien, or so much thereof as may be necessary, be sold to satisfy the amount of such judgment, with costs.

(1664.) SEC. 5. Every person who shall willfully dam up any Penalty for ob- rivers, creeks, or streams in this State, or obstruct the navigation structing streams. thereof, except for the purpose of milling or the use of machinery, with intent to hinder or obstruct any person in the use thereof, as provided in this act, or who shall willfully cut, untie, loosen, or cast off any rope, chain, pole, timber, or pile, or other fastening, by which any boom containing any logs or timber shall be secured, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail of the proper county not exceeding sixty days, or by a fine not exceeding one hundred dollars, or both, at the discretion of the court before whom he is tried.

(1665.) SEC. 6. Any person injured by any obstruction or injury Recovery of damages. to a boom, as provided in the foregoing section, shall be entitled to recover his damages of the person or persons causing such injury or obstructions, in an action of trespass.

(1666.) SEC. 7. It shall be lawful for any person or persons having logs or timber in any stream navigable for licensed water-craft, Booming of logs, etc., on navigable streams. to boom such logs or timber along the shore, and to secure the booms by means of piles driven in the stream, or by chains, ropes, timbers, or traverse poles, made fast at points along the shore: *Provided*, That there shall be at all times sufficient channel left clear to allow of navigation by any craft or rafts usually navigating such streams.

An Act to protect the title of the owners of floating logs and lumber.

[Approved March 27, 1867. *Laws of 1867*, p. 280.]

(1667.) SECTION 1. *The People of the State of Michigan enact*, Logs, etc., to have marks previously determined. That every person or copartnership who shall put any logs or timber into any river, or its branches or tributaries, small lake or its tributaries, bayou, marsh, or ditch in this State, for the purpose of rafting or floating the same to any place for manufacture or sale, shall have some mark or marks, previously selected by him or them, impressed in a conspicuous place upon the end or surface of each log or stick of timber so put into any of said waters.

(1668.) SEC. 2. Before any such mark or marks shall be used, it shall be the duty of any such person or copartnership to cause a Record to be made of diagram of marks in county clerk's office. diagram and written description of the same, certified, and signed

- by the owner or owners thereof, to be recorded in the office of the clerk of each county through which such logs or timber shall be floated for manufacture or sale, and also to give notice in writing to each log-running or booming company doing business on any waters on which the logs or timber are floated, of such mark, and of the destination of such logs. The diagram and written description to be recorded as aforesaid, must be different from any diagram and description already recorded in said office claimed by any other party. For recording and indexing the diagram and certificate aforesaid, the clerk shall be entitled to demand and receive a fee of twenty-five cents.¹
- Fee to clerk.** (1669.) SEC. 3. It shall be the duty of any such clerk to record, in a book to be kept by him for that purpose, all marks and descriptions of marks furnished to him for that purpose, which are different from any other mark or description there recorded, which book shall be, at all reasonable hours, open to the inspection and examination of any person requiring it; and each of said clerks shall be entitled to receive for his fees, for each mark and description recorded, twenty-five cents, to be paid in advance by the party having the same recorded.
- Record open for inspection.**
- Clerk's fee.**
- Mark's presumptive evidence.** (1670.) SEC. 4. Any logs or timber having any such recorded mark or marks impressed thereon, shall be presumed to belong to the party or parties in whose name said mark or marks shall have been recorded.
- Neglect to record marks.** (1671.) SEC. 5. Every person or copartnership who shall neglect to have his or their mark or marks recorded, as required in the second section of this act, shall be debarred from all the benefits arising from the due recording of such mark or marks, and the vendee or assignee of any such logs or timber shall be subject to the same regulations and restrictions: *Providing*, The provisions of this act shall apply only to the streams running into Lake Michigan, except the Kalamazoo river.
- Penalty for counterfeiting marks.** (1672.) SEC. 6. If any person shall falsely make, forge, or counterfeit such mark, and use the same in marking logs or timber, knowing the same to be the mark of another person, and with intent to defraud, shall be deemed guilty of felony, and shall be punished by imprisonment, at hard labor, in the State Prison not to exceed five years, or by fine of not less than one hundred dollars nor more than two thousand dollars.²
- Proviso.**

¹ As amended by Act 100 of the Laws of 1909, p. 167, approved April 2, 1909.

² As added by Act 100 of the Laws of 1909, p. 167, approved April 2, 1909.

TITLE XII.

INSURANCE.

CHAPTER XLIV. Insurance Bureau.

CHAPTER XLV. Foreign insurance companies.

CHAPTER XLIV.

INSURANCE BUREAU.

An Act to establish an Insurance Bureau.

[Approved April 13, 1871. Laws of 1871, p. 179.]

(1673.) SECTION 1. *The People of the State of Michigan enact,* Bureau in State department.
That there is hereby established in the State department a separate and distinct bureau, which shall be especially charged with the execution of the laws heretofore passed, or that may be hereafter passed, in relation to fire, fire and marine, life, and other methods and practices of insurance.

(1674.) SEC. 2. The chief officer of said department shall be Commissioner of Insurance. denominated the Commissioner of Insurance. He shall be a citizen of this State, and shall reside, during the term of his office, at the seat of government, and personally superintend the duties of his office; and shall not be directly or indirectly connected with the management or affairs of any insurance company. He shall be appointed by the Governor, by and with the consent Appointment, term of office, salary, clerk, etc. of the Senate, and shall hold his office for the term of two years. He shall receive an annual salary of eighteen hundred dollars, to be paid quarterly, as is hereinafter provided. He may employ a

clerk to discharge such duties as he shall assign him, whose compensation shall not exceed one thousand dollars per annum, which shall be paid to him monthly, on the certificate of the Commissioner of Insurance, and upon the warrant of the Auditor General.

Vacancy.

Whenever a vacancy shall occur in said office of Commissioner, by reason of death, removal, or otherwise, the Governor shall fill such vacancy by appointment, by and with the advice and consent of

Oath of office.

the Senate, if in session. Within fifteen days from the time of notice of his appointment, the Commissioner shall take and subscribe the oath of office prescribed by the Constitution, and file

Bond.

the same in the office of the Secretary of State; and the said Commissioner of Insurance shall give to the people of the State of Michigan a bond in the penalty of ten thousand dollars, with sureties to be approved by the Auditor General, conditioned for the faithful discharge of the duties of his office.

Powers, duties,
and obligations.

(1675.) SEC. 3. The Commissioner of Insurance shall possess all the powers; perform all the duties, and be subjected to all the obligations and penalties now conferred by law upon the Secretary of State, or to which the Secretary of State is subject, in relation to insurance companies and the formation thereof, under the laws relating thereto, so that every power and duty thereby conferred on the Secretary of State shall, from and after the appointment of such Commissioner, be transferred to and conferred upon the said Commissioner. The Commissioner shall be required to annually report the names and compensation of the clerk employed by him, and the whole amount of expenses of the department during the year. Such report shall be made on or before the last day of June in each year, and fifteen hundred copies shall be printed for public information and use.

Seal.

(1676.) SEC. 4. The said Commissioner, with the approval of the Governor, shall devise a seal, with suitable inscriptions, for his office, a description of which, with certificate of the approval of the Governor, shall be filed in the office of the Secretary of State, with an impression thereof, which seal shall thereupon be and become the seal of office of the Commissioner of Insurance, and the same may

Paper under seal
entitled to
record, etc.

be renewed whenever necessary. Every certificate, assignment, or conveyance executed by the said Commissioner in pursuance of any authority conferred on him by law, and sealed with his said seal of office, shall be received as evidence, and may be recorded in the proper recording offices, in the same manner, and with like effect, as a deed regularly acknowledged or approved before an officer authorized by law to take the proof or acknowledgment of

deeds, or filed in the office of any county clerk or clerk of a court of record; and all copies of papers in the office of the said Commissioner, certified by him, and authenticated by the said seal, shall in all cases be evidence in all courts of this State equally and in like manner as the original. An impression of said seal directly on paper shall be as valid as if made on a wafer or wax.

(1677.) SEC. 5. All books, papers, and documents, and all other papers whatever in the office of the Secretary of State, relating to the business of insurance, shall be transferred to the custody of the Commissioner of the Insurance Bureau, and be and remain in his charge and custody.

Secretary of State shall transfer books, etc.

(1678.) SEC. 6. There shall be assigned to the said Commissioner by the Secretary of State at Lansing, suitable room in his department for conducting the business of said bureau, and the said Commissioner shall, from time to time, furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business, the expenses of which shall be paid, on the certificate of the Commissioner and the warrant of the Auditor General, by the State Treasurer, from the fund hereinafter mentioned.

Office and expenses thereof.

(1679.) SEC. 7. The taxes on premiums from insurance companies shall continue to be paid to the State Treasurer on the first day of January, or within sixty days thereafter, in each year, and shall be upon the premiums which, during the year or part of the year ending on the preceding thirty-first day of December, shall have been received by any insurance company, or by any person acting as agent therefor, both upon policies issued by agents in this State, or policies issued at the office of the companies upon application of sub-agents or others, or for any individuals or association of individuals not incorporated or authorized by the laws of this State to effect insurance against fire, inland, marine, life, casualty, or other losses and risks, or which shall have been received by any person for such company or agent, or shall have been agreed to be paid for any insurance effected or agreed to be effected or procured by such company or agent, or against fire, inland, marine, life, casualty or other risks, although such companies, associations, or individuals may be incorporated or authorized for that purpose by the laws of any other State of the United States, or of any foreign government. The State Treasurer, on receiving such tax from any company, shall issue therefor duplicate receipts, one of which he shall deliver to the company, and the other shall be filed with said Commissioner.

Taxes on premiums.

Duplicate receipts.

Examinations. (1680.) SEC. 8. It shall be proper and lawful for the Commissioner of Insurance to visit any insurance company in other States, for the examination of its affairs, the expenses in all cases to be paid by said insurance companies.

Relative to funds received from taxes, and expenses of bureau (1681.) SEC. 9. The State Treasurer shall keep all funds received from said taxes as a separate and distinct fund for the maintenance of said bureau, and all warrants for the salary of the Commissioner and his clerk, and for all other expenses of such bureau, shall be drawn by the Auditor General upon and paid out of such fund; and in case of any balance to the credit of said fund, in excess of the necessary expenses of such bureau, it shall be transferred, at the close of the fiscal year, to the general fund of the State.

Removal of Commissioner. (1682.) SEC. 10. The Governor shall have the power, and it is hereby made his duty, to remove the said Commissioner for neglect of duty, breach of trust, incompetence, or malfeasance in office, upon reasonable cause shown; and in case of such removal, the Governor shall file in the office of the Secretary of State, and report to the Legislature at its next session, the reasons for such removal.

SEC. 11. This act shall take immediate effect.

CHAPTER XLV.

FOREIGN INSURANCE COMPANIES.

An Act to regulate fire, marine, life, and health insurance companies, and their agents, associations, partnerships, and individuals doing fire, marine, life, and health insurance business, not incorporated by the State of Michigan.

[Approved February 15, 1869. Laws of 1869, p. 1619.]

Statement to be furnished Secretary of State. (1683.) SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful for any person or persons to act within this State, as agent or otherwise, in prosecuting or receiving applications for insurance, or in any manner to aid in transacting the business of fire or marine insurance for any company, association,

or individual, not incorporated in this State, without first procuring a certificate of authority from the Secretary of State of this State, and before obtaining such certificate, such company, association, individual, agent, or agents, shall furnish the said Secretary of State with a statement, under oath of the president or secretary of such company, association, or individual, for which he or they may act, which statement shall show: What statement shall show.

First. The name and locality of the company or association ;

Second. The amount of its capital stock ;

Third. The amount of its capital stock paid up ;

Fourth. The assets of the company, including,

1. The amount of cash on hand and in the hands of agents or other persons ;

2. Real estate unencumbered ;

3. The bonds owned by the company or association, and how they are secured, with the rate of interest thereon ;

4. Debts due to the company or association, secured by mortgage ;

5. Debts otherwise secured ;

6. Debts for premiums ;

7. All other securities and moneys.

Fifth. The amount of liabilities due or not due to banks or other creditors by the company or association ;

Sixth. Losses adjusted and due ;

Seventh. Losses adjusted and not due ;

Eighth. Losses unadjusted ;

Ninth. Losses in suspense waiting for proof ;

Tenth. All other claims against the company or association ;

Eleventh. The act of incorporation of such company, association, by-laws, articles of association, or partnership agreements.

Which statement shall be filed in the office of said Secretary of State, together with a resolution under the seal of the company, signed by the president of the company, secretary, or chief officer of the association, authorizing any agent, duly appointed by resolution under the seal of the company, to acknowledge service of process for and in behalf of such company or association, consenting that service of process upon any agent shall be taken and held to be as valid as if served upon the company or association, according to the laws of this State or any other State, and waiving all claim of error by reason of such service ; and suits may be commenced against any such company or association in any county of this State, by declaration or pro- Appointment of agent by company. Process against company served on agent.

Amount of capital stock necessary.	cess, as in other cases, and such declaration or process may run into and be served upon such agent or attorney in any county of this State where such agent or attorney may be. And no insurance company, or officer, or agent or agents of any insurance company, unincorporated or incorporated in any other State shall transact any business of insurance in this State, unless such company is possessed of at least one hundred thousand dollars of actual capital invested in stock, bonds, and mortgages, or other satisfactory security, the market value of which shall not be less than one hundred thousand dollars. And upon the filing of the aforesaid statement and resolution with the Secretary of State of this State, and furnishing him with full and satisfactory evidence of such investment as aforesaid, it shall be the duty of said Secretary of State to issue a certificate thereof, with authority to transact business of insurance to the company, officers, agent, or agents applying for the same.
Secretary of State to issue certificate.	
Unincorporated companies and foreign incorporations.	(1684.) SEC. 2. It shall be unlawful for any unincorporated company or association, partnership, firm, or individual, or any member or agent or agents thereof, or for any agent or agents of any company incorporated by any foreign government other than a State of this Union, to transact any business of insurance in this State without procuring a certificate of authority from the Secretary of State of this State; such company or association, partnership, firm, or individual, or any agent or agents thereof, having first filed under oath, in the office of said Secretary of State, a statement setting forth the charter or act of incorporation of any and every such incorporated company, and the by-laws, copartnership agreements, articles of association of any and every such unincorporated company, association, partnership, or firm, and the name and residence of such individual, and the names and residences of the members of every such partnership or firm, and the matters required to be specified by the first section of this act, and the written authority therein mentioned, and furnish evidence to the satisfaction of the said Secretary of State that such company has invested in stocks of some one or more of the States of this Union, or of the United States, the amount of one hundred thousand dollars, and that such stocks are held by citizens of the United States, or in bonds or mortgages on real estate situated in the United States, fully securing the amount for which the same is mortgaged, or bonds of cities of the United States the aggregate market value of the investment of the company in which shall not be less than one hundred thousand dollars; and such incorporated or unincorporated company,
Statement required.	
What statement to set forth.	
Amount of stocks invested.	
Other securities.	

association, partnership, firm, or individual, or any agent or agents thereof, filing said statement and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority for such body or individual in like manner as is provided for in the first section of this act. Entitled to certificate.

(1685.) SEC. 3. It shall be the duty of the company, association, partnership, firm, or individual, its officers, or the agent or agents, in either of the foregoing sections mentioned, before taking any risks or transacting any business of insurance in this State, to file, in the office of the county clerk of the county in which they propose to transact business, a copy of the statement required to be filed with the Secretary of State of the State, as aforesaid, together with a copy of the certificate of said Secretary of State, which shall be carefully preserved for public inspection by said clerk, and also to cause said statement and certificate to be published in some newspaper of general circulation in said county, for such time as the company may elect, not less than one month. Copy of statement to be filed with county clerk.

(1686.) SEC. 4. The statement and evidences of investment required by this act shall be renewed annually, in the month of February in each year; and the Secretary of State, on being satisfied that the capital, securities, and investments remain secure as at first, shall furnish a renewal of the certificate as aforesaid; and the agent or agents obtaining such renewed certificate shall file a copy of the same, together with a copy of the statement on which it was obtained or renewed, in the office of the clerk of the county in which said agency is established, or propose to transact business: *Provided*, That for the present year the said statement may be filed at any time within three months after this act shall take effect. Renewal of statement. ¹

(1687.) SEC. 5. That copies of all papers required by this act to be deposited in the office of the Secretary of State and certified under the hand of said Secretary of State, to be true and correct copies of such papers, shall be received as evidence in all courts and places, in the same manner and have the same force and effect as the original would have if produced. Certified copies to be evidence.

(1688.) SEC. 6. Any insurance company, association, firm, copartnership, or individual, complying with the requirements of this act, and receiving the certificate from the Secretary of State of this State, or from any of its agents, shall not be required to furnish but the single statement and evidence required hereby, which, Statement, etc., sufficient compliance.

¹ As amended by Act 54 of the Laws of 1861, p. 42, approved and took effect February 15, 1861.

	being filed with the said Secretary of State, shall be deemed a sufficient compliance for its free transaction of business in this State.
Penalty for violation.	(1689.) SEC. 7. Any person or persons violating the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum of not less than fifteen and not exceeding one hundred dollars, for each and every act, at the discretion of the court. Violations of the provisions of this act may
How prosecuted	be prosecuted in the name of the people of the State of Michigan, and it shall be the duty of the prosecuting attorney of each county to prosecute for any violations of the provisions of this act.
Repeal.	(1690.) SEC. 8. The act entitled "An act in relation to insurance companies and insurance agents," approved February twelfth, eighteen hundred and fifty-five, be and the same is hereby repealed:
Proviso.	<i>Provided</i> , That the repeal of said act shall not affect any proceedings now pending under its provisions, nor the right to prosecute for any violations of its provisions prior to the taking effect of this act.
Report to State Treasurer.	(1691.) SEC. 9. It shall be the duty of any and all companies doing business within this State under the provisions of this act, as a condition precedent to the renewal of an annual certificate by the Secretary of State, to make and file in the office of the State Treasurer annually, in the month of February in each year, on oath or affirmation, a statement of the number of policies issued and the amount of premiums received or secured thereon, during
Specific tax.	the year then terminated, and shall pay into the hands of the State Treasurer a specific tax of three per cent on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be received in any court at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific taxes on railroad corporations are or hereafter may be; and it shall be the duty of the State
Receipt for.	Treasurer to give his receipt for all moneys paid into the State Treasury under the provisions of this act. ¹

¹ Added by Act 54, Laws of 1861, p. 42; and amended by Act 138 of the Laws of 1865, p. 261, approved March 14, 1865.

TITLE XIII.

THE PUBLIC HEALTH.

CHAPTER XLVI. The preservation of the public health; quarantine, nuisances, and offensive trades.

CHAPTER XLVII. County drain law.

CHAPTER XLVIII. Township drain law.

CHAPTER XLVI.

THE PRESERVATION OF PUBLIC HEALTH; QUARANTINE, NUISANCES, AND OFFENSIVE TRADES.

Chapter thirty-five of Revised Statutes of 1946.

(1692.) SECTION 1. The supervisor and justices of the peace of every township, respecting which no other provision is or shall be made by law, shall be a board of health for their respective townships, and the township clerk shall be the clerk of such board, and shall keep a record of their proceedings in a book to be provided for that purpose at the expense of the township.

(1693.) SEC. 2. Every board of health may appoint a physician to the board, who shall be the health officer of his township, and shall hold his office during their pleasure, and they shall establish his salary, or other compensation, and shall regulate all fees and charges of every person employed by them in the execution of the health laws, and of their own regulations.

Appointment of health officer, his compensation, etc.

(1694.) SEC. 3. The board of health shall make such regulations respecting nuisances, sources of filth, and causes of sickness, within their respective townships, and on board of any vessels in

Regulations relating to causes of sickness, etc.

their ports or harbors, as they shall judge necessary for the public health and safety; and if any person shall violate any such regulations, he shall forfeit a sum not exceeding one hundred dollars.

Respecting articles capable of conveying contagion, etc.

(1695.) SEC. 4. The said board shall also make such regulations as they may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into, or conveyed from, their township, or into or from any vessel; and if any person shall violate any such regulation, he shall forfeit a sum not exceeding one hundred dollars.

Duty of board as to the purchase of burying grounds.

(1696.) SEC. 5. The said board shall also make all regulations which they may deem necessary for the interment of the dead, and respecting burying-grounds, for their township; and it shall also be the duty of said board to purchase in each surveyed township so much land for burying-grounds as shall be necessary for burying the dead of such township, provided suitable grounds therefor can be found and procured within the township, and if not, they shall then provide such grounds in the nearest adjoining township where such suitable grounds can be procured.¹

Board to hold lands in trust.

(1697.) SEC. 6. The board of health of the township for which such burying-grounds shall be procured, and their successors in office, shall hold the fee of such land in trust for such township; and they shall keep the same, or so much thereof as shall be necessary, surrounded with a good and substantial fence; the expenses of the purchase of such lands, and of fencing and regulating the same, to be certified to the town board by the board of health, and, by the town board, provided for as a part of the contingent expenses of the township: *Provided however*, That the board of health may, whenever they think it desirable, sell and convey single or family burial lots in said township burying-grounds, to such person or persons as may desire to procure the same, and apply the proceeds thereof towards the purchase or improvement of said grounds, certifying the amount of all such sales and expenditures to the township board as above provided.¹

Expenses, how paid.

Proviso.

Notice of regulations, how published.

(1698.) SEC. 7. Notice shall be given by the board of health of all regulations made by them, by publishing the same in some newspaper of the township, if there be one published therein, and if not, then by posting them up in five public places in such township; and such notice of said regulations shall be deemed legal notice to all persons.

¹ As amended by Act 142 of the Laws of 1859, p. 396, approved February 12, 1859.

(1699.) SEC. 8. The board of health shall examine into all nuisances, sources of filth, and causes of sickness that may, in their opinion, be injurious to the health of the inhabitants within their township, or in any vessel within any harbor or port of such township; and the same shall destroy, remove, or prevent, as the case may require.

Board to examine into nuisances, etc., and destroy, remove, or prevent the same.

(1700.) SEC. 9. Whenever any such nuisance, source of filth, or cause of sickness shall be found on private property, the board of health shall order the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours; and if the owner or occupant shall neglect so to do, he shall forfeit a sum not exceeding one hundred dollars.

Proceedings, if nuisance, etc., found on private property.

(1701.) SEC. 10. If the owner or occupant shall not comply with such order of the board of health, such board may cause the said nuisance, source of filth, or cause of sickness, to be removed, and all expenses incurred thereby shall be paid by the said owner or occupant or by such other person as shall have caused or permitted the same.

When nuisance, etc., to be removed by board at expense of owner, etc.

(1702.) SEC. 11. Whenever any person shall be convicted on an indictment for a common nuisance that may be injurious to the public health, the court may, in its discretion, order it to be removed or destroyed, at the expense of the defendant, under the direction of the board of health of the township where the nuisance is found; and the form of the warrant to the sheriff or other officer may be varied accordingly.

Court may order nuisance removed in certain cases.
8 Mich. 117.

(1703.) SEC. 12. Whenever the board of health shall think it necessary for the preservation of the lives or health of the inhabitants to enter any building or vessel in their township, for the purpose of examining into and destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make complaint, under oath, to any justice of the peace of his county, whether such justice be a member of such board or not, stating the facts of the case, so far as he has knowledge thereof.

Proceeding, when admittance of board to building or vessel is refused.

(1704.) SEC. 13. Such justice may thereupon issue a warrant directed to the sheriff or any constable of the county, commanding him to take sufficient aid, and being accompanied by any two or more members of said board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness complained of may be, and the same destroy, remove, or prevent, under the direction of such members of the board of health.

Ibid.

Board may permit removal of infected articles, etc.

(1705.) SEC. 14. The board of health may grant permits for the removal of any nuisance, infected article, or sick person within the limits of their township, when they shall think it safe and proper so to do.

Board to make provision to prevent spread of small-pox, etc.

(1706.) SEC. 15. When any person coming from abroad, or residing in any township within this State, shall be infected, or shall lately before have been infected, with the small-pox, or other sickness dangerous to the public health, the board of health of the township where such person may be shall make effectual provision in the manner in which they shall judge best for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries, which shall be at the charge of the person himself, his parents, or other person who may be liable for his support, if able; otherwise, at the charge of the county to which he belongs.

Provision in case infected persons cannot be removed.

(1707.) SEC. 16. If any such infected person cannot be removed without danger to his health, the board of health shall make provision for him as directed in the preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures as they may deem necessary for the safety of the inhabitants.

Board may restrain travelers coming from infected districts.

(1708.) SEC. 17. The board of health of any township near to or bordering upon either of the neighboring States, may appoint, by writing under their hands, suitable persons to attend any places by which travelers may pass from infected places in other States; and the persons so appointed may examine such passengers as they may suspect of bringing with them any infection which may be dangerous to the public health, and, if need be, may restrain them from traveling until licensed thereto by the board of health of the township to which such persons may come; and any person coming from such infected place, who shall, without license as aforesaid, travel within this State, unless it be to travel by the most direct way to the State from whence he came, after he shall be cautioned to depart by the persons appointed as aforesaid, shall forfeit a sum not exceeding one hundred dollars.

Removal of persons infected.

(1709.) SEC. 18. Any two justices of the peace may, if need be, make out a warrant under their hands, directed to the sheriff or any constable of the county, requiring him, under the direction of the board of health, to remove any person infected with contagious sickness, or to take possession of convenient houses and

lodgings, and to provide nurses, attendants, and other necessities for the accommodation, safety, and relief of the sick.

(1710.) SEC. 19. Whenever, on application of the board of health, it shall be made to appear to any justice of the peace that there is just cause to suspect that any baggage, clothing, or goods of any kind found within the township are infected with any disease which may be dangerous to the public health, such justice of the peace shall, by warrant under his hand, directed to the sheriff or any constable of the county, require him to take with him as many men as the said justice shall deem necessary to secure such baggage, clothing, or other goods, and to post said men as a guard over the house or place where such baggage, clothing, or other goods shall be lodged, which guard shall take effectual care to prevent any person removing or coming near to such baggage, clothing, or other goods, until due inquiry be made into the circumstances thereof.

Infected baggage, clothing, and goods, how secured.

(1711.) SEC. 20. The said justice may also, by the same warrant, if it shall appear to him necessary, require the said officer, under the direction of the board of health, to impress and take up convenient houses or stores for the safe keeping of such baggage, clothing, or other goods; and the board of health may cause them to be removed to such houses or stores, or to be otherwise detained, until they shall, in the opinion of said board of health, be freed from infection.

Impressing houses, etc., for keeping infected goods.

(1712.) SEC. 21. Such officer, in the execution of such warrant, shall, if need be, break open any house, shop, or any other place mentioned in said warrant, where such baggage, clothing, or other goods shall be; and he may require such aid as shall be necessary to effect the execution of the warrant; and all persons shall, at the command of any such officer, under a penalty not exceeding ten dollars, assist in the execution of the warrant, if able to do so.

Power of officer executing warrant.

(1713.) SEC. 22. The charges of securing such baggage, clothing, or other goods, and of transporting and purifying the same, shall be paid by the owner or owners thereof, at such rates and prices as shall be determined by the board of health.

Charges to be paid by owner.

(1714.) SEC. 23. Whenever the sheriff or other officer shall take possession of any houses, stores, lodgings, or other necessities, or shall employ any nurse or attendants, as provided in this chapter, the several parties interested shall be entitled to a just compensation therefor, to be paid by the county in which such person or property shall have been so employed or taken possession of.

Compensation for houses, nurses, etc.

When prisoners attacked with dangerous disease may be removed.

(1715.) SEC. 24. Whenever any person confined in any common jail shall be attacked with any disease, which, in the opinion of the physician of the board of health, or of such other physicians as they may consult, shall be considered dangerous to the safety and health of the other prisoners, or of the inhabitants of the township, the board of health shall, by their order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept, so as to prevent his escape, until their further orders; and if such prisoner shall recover from the disease, he shall be returned to such jail.

Prisoners removed, to be returned, and not to be considered as having escaped.

(1716.) SEC. 25. If the person so removed shall have been committed by order of any court, or under any judicial process, the order for his removal, or a copy thereof, attested by the presiding member of said board of health, shall be returned by him, with the doings thereon, into the office of the clerk of the circuit court for the county; and no prisoner, removed as aforesaid, shall be considered as thereby having committed an escape.

When superintendents of poor may remove paupers from poorhouses.

(1717.) SEC. 26. Whenever any pestilence or contagious disease shall break out in any county poorhouse in this State, or in the vicinity thereof, and the physician to such county poorhouse, or such other physician as the superintendents may consult, shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such poorhouse, the superintendents of such county poorhouse shall cause the persons there supported, or any of them, to be removed to some other suitable place in the same county, and there to be maintained and provided for at the expense of the county, with all necessary medical attendance and care, until they can safely be returned to such poorhouse, or otherwise discharged.

Q U A R A N T I N E .

Township quarantine.

(1718.) SEC. 27. Any township may establish a quarantine ground in any suitable place, either within or without its own limits: *Provided*, That if such place shall be without its limits, the assent of the township within whose limits it may be established shall be first obtained therefor.

Proviso.

Quarantine for two or more townships.

(1719.) SEC. 28. Any two or more townships may, at their joint expense, establish a quarantine ground for their joint use, either within or without their own limits: *Provided*, That if such place shall be without their limits, they shall first obtain the assent of the township within whose limits the same may be.

Proviso.

(1720.) SEC. 29. The board of health in each township in this State bordering upon Lake Michigan, Lake Superior, Lake Huron, Lake St. Clair, or Lake Erie, or upon any of the principal rivers or straits connecting together any of the said lakes, or bordering upon any navigable waters uniting with any of the said lakes, rivers, or straits, may from time to time establish the quarantine to be performed by all vessels arriving within the limits of such townships, and may make such quarantine regulations as they shall judge necessary for the health and safety of the inhabitants.

Quarantine in townships bordering on certain lakes, rivers, etc.

(1721.) SEC. 30. The quarantine regulations so established shall extend to all persons, and all goods and effects, arriving in such vessels, and to all persons who may visit or go on board of the same.

Quarantine regulations to extend to persons and goods in vessels.

(1722.) SEC. 31. The said quarantine regulations, after notice shall have been given in the manner before provided in this chapter, shall be observed and complied with by all persons; and any person who shall violate any such regulations shall forfeit a sum not less than five dollars and not more than five hundred dollars.

Penalty for violating quarantine regulations.

(1723.) SEC. 32. The board of health in each township bordering upon any of the lakes, rivers, straits, or other navigable waters hereinbefore mentioned, may at all times cause any vessel arriving within the limits of the township, when such vessel or cargo thereof shall, in their opinion, be foul or infected, so as to endanger the public health, to be removed to the quarantine ground, and to be thoroughly purified, at the expense of the owners, consignees, or persons in possession of the same; and they may also cause all persons arriving in or going on board of such infected vessel, or handling such infected cargo, to be removed to any hospital under the care of the said board of health, there to remain under their orders.

Vessels in certain cases to be removed to quarantine ground, etc.

(1724.) SEC. 33. If any master, seaman, or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or which may have been at, or which may have come from, any port or place where any infectious disease prevails, that may endanger the public health, shall refuse to answer on oath, to be administered by any member of such board, such questions as may be asked him, relating to such infection or disease, by any member of the board of health of the township to which such vessel may come, such master, seaman, or passenger, so refusing, shall forfeit a sum not exceeding two hundred dollars; and in case he shall not pay such sum, he shall suffer six months' imprisonment.

Master, etc., to answer on oath in regard to infections.

Expenses, by
whom to be paid

(1725.) SEC. 34. All expenses incurred on account of any person, vessel, or goods, under any quarantine regulations, shall be paid by such person, or by the owner of such vessel or goods, respectively.

SMALL-POX AND OTHER DANGEROUS DISEASES.

Hospitals for re-
ception of per-
sons having
small-pox, etc.

(1726.) SEC. 35. The inhabitants of any township may establish within their township and be constantly provided with one or more hospitals for the reception of persons having the small-pox, or other disease which may be dangerous to the public health.

By whom hos-
pitals to be regu-
lated, etc.

(1727.) SEC. 36. All such hospitals shall be subject to the orders and regulations of the board of health, or a committee appointed by such board for that purpose; but no such hospital shall be established within one hundred rods of any inhabited dwelling-house situated in an adjoining township, without the consent of such adjoining township.

Penalty for in-
oculating with
small-pox, ex-
cept at hospitals

(1728.) SEC. 37. If any person shall inoculate any other person, or inoculate himself, or suffer himself to be inoculated, with the small-pox, unless at some hospital licensed and authorized by law, he shall, for each offense, forfeit a sum not exceeding two hundred dollars.

Physicians, etc.,
to be subject to
regulations of
board, etc.

(1729.) SEC. 38. When any hospital shall be so established, the physician attending the same, the persons inoculated or sick therein, the nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such furniture and other articles as shall be used or brought there, shall be subject to such regulations as shall be made by the board of health, or of the committee appointed for that purpose.

When board of
health to provide
hospital.

(1730.) SEC. 39. When the small-pox or any other disease dangerous to the public health shall break out in any township, the board of health shall immediately provide such hospital, or place of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the inhabitants; and such hospitals and places of reception shall be subject to the regulations of the board of health, in the same manner as hereinbefore provided for established hospitals.

When infected
persons to be re-
moved to hospi-
tal, etc.

(1731.) SEC. 40. The board of health shall cause such sick or infected persons to be removed to such hospitals or places of reception, unless the condition of the sick person be such as not to admit of removal without danger to life; in which case the house or place where the sick shall remain shall be considered as a hospital to every purpose before mentioned, and all persons residing in

or in any way concerned with the same, shall be subject to the regulations of the board of health, as before provided.

(1732.) SEC. 41. When the small-pox, or any other disease dangerous to the public health, is found to exist in any township, the board of health shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places to travelers, by such means as in their judgment shall be most effectual for the common safety.

Board to prevent the spread of dangerous disease.

(1733.) SEC. 42. If any physician or other person in any of the hospitals or places of reception before mentioned, or who shall attend, approach, or be concerned with the same, shall violate any of the regulations lawfully made in relation thereto, either with respect to himself, or his or any other person's property, the person so offending shall, for each offense, forfeit a sum not less than ten nor more than one hundred dollars.

Penalty for violating regulations of hospitals

(1734.) SEC. 43. Whenever any householder shall know that any person within his family is taken sick with the small-pox, or any other disease dangerous to the public health, he shall immediately give notice thereof to the board of health, or to the health officer of the township in which he resides; and if he shall refuse or neglect to give such notice, he shall forfeit a sum not exceeding one hundred dollars.

Householders to give notice of disease; penalty for neglect.

(1735.) SEC. 44. Whenever any physician shall know that any person whom he is called to visit is infected with the small-pox, or any other disease dangerous to the public health, such physician shall immediately give notice thereof to the board of health or health officer of the township in which such diseased person may be; and every physician who shall refuse or neglect to give such notice, shall forfeit, for each offense, a sum not less than fifty nor more than one hundred dollars.

Penalty on physician neglecting to give notice.

(1736.) SEC. 45. Every township may, at any meeting, make suitable provision for the inoculation of the inhabitants thereof with the cow-pox, under the direction of the board of health or the health officer of the township, and they shall raise all necessary sums of money to defray the expenses of such inoculation, in the same manner that other township charges are defrayed.

Inoculation with cow-pox.

OFFENSIVE TRADES.

(1737.) SEC. 46. The township board of every township, the president and trustees, or council, of every village, and the mayor and aldermen of every city, respectively, when they shall judge it necessary, shall, from time to time, assign certain places for the

Places may be assigned for carrying on of offensive trades.

exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and they shall forbid the exercise thereof in places not so assigned; and all such assignments shall be entered in the records of the township, village, or city, and they may be revoked when the said township, village, or city officers may think proper.

When places become a nuisance, assignment may be revoked, etc.

(1738.) SEC. 47. When any place or building so assigned shall become a nuisance by reason of offensive smells or exhalations proceeding therefrom, or shall become otherwise hurtful or dangerous to the neighborhood, or to travelers, and the same shall be made to appear on a trial, or the admission of the person exercising such trade or employment, before the circuit court for the county, upon a complaint made by the board of health, or by any other person, the said court may revoke such assignment, and prohibit the further use of such place, or building, for the exercise of either of the aforesaid trades or employments, and may cause such nuisance to be removed or prevented.

Action on the case for damages

(1739.) SEC. 48. Any person injured, either in his comfort or the enjoyment of his estate, by any such nuisance, may have an action on the case for the damages sustained thereby, in which action the defendants may plead the general issue and give any special matter in evidence.

BOARDS OF HEALTH IN CITIES AND VILLAGES.

Who to constitute board in cities and villages.

(1740.) SEC. 49. The mayor and aldermen of each incorporated city, and the president and council, or trustees, of each incorporated village in this State, shall have and exercise all the powers and perform all the duties of a board of health as provided in this chapter, within the limits of the cities or villages, respectively, of which they are such officers.

An Act to authorize boards of health to dispose of real estate.

[Approved March 15, 1861. *Laws of Michigan*, p. 452.]

(1741.) SECTION 1. *The People of the State of Michigan enact*, That any board of health of this State may sell and convey any real estate, the fee of which is vested in them: *Provided*, That no real estate shall be sold by virtue of this act which is or has been in actual use as a cemetery or burying-ground, unless the same shall be sold by an order from the circuit court.

An Act to prevent the introduction of contagious diseases in cattle.

[Approved April 5, 1869. Laws of 1869, p. 319.]

(1742.) SECTION 1. *The People of the State of Michigan enact,* Governor to ap-
That when the Governor of the State of Michigan shall be sat- point com-
isfied of the necessity of the same, he shall have power to appoint missioners.
three Commissioners, to hold their office for two years, and make
report annually to the Secretary of the State Board of Agriculture.
Such Commissioner[s] shall have power to use means to prevent Power of com-
the spread of dangerous diseases among animals, and protect the missioners.
people of the State from the dangers arising from the consumption
of diseased meat. Said Commissioners shall have power to admin-
ister oaths, and appoint assistants for such time as they may deem
proper, and to place animals in quarantine, and to do generally
whatever may be necessary to prevent the spread of contagious
diseases among animals.

(1743.) SEC. 2. No animal shall be permitted to enter or pass What animals
through this State, which shall be deemed by either of the Com- not to be per-
missioners capable of diffusing or communicating contagious mitted to enter,
etc., this State.
diseases.

(1744.) SEC. 3. No cattle brought from Texas or the Indian ^{Ind.}
territories, shall be permitted to pass through this State, or any
part of the same, from the first day of March to the first day of
November, in each year.

SEC. 4. This act shall take immediate effect.

CHAPTER XLVII.

COUNTY DRAIN LAW.

THE DRAINING OF SWAMPS, MARSHES, AND OTHER
LOW LANDS.

An Act to provide for the draining of swamps, marshes, and other low lands.

[Approved and took effect March 22, 1869. Laws of 1869, p. 79.]

Appointment
and removal of
commissioner.

(1745.) SECTION 1. *The People of the State of Michigan enact,* That the boards of supervisors of each of the organized counties of this State shall have power and are hereby authorized, at any regular or special meeting, by a vote of a majority of all the members elected, to appoint one county drain commissioner for such county, and who may hold his office for two years, and may in like manner remove such commissioner.¹

Oath of office.

(1746.) SEC. 2. The drain commissioner so appointed, within ten days after such appointment, shall take, subscribe, and file with the clerk of such board, the oath required by the Constitution of this State, and within the same time make, execute, and file with such clerk a bond to such board of supervisors, with sureties approved by the chairman of such board, and in the penal sum ordered by the board, conditioned for the faithful discharge of his duties under this act and the order and resolutions of the board of supervisors in relation to his action as such commissioner.¹

Bond.

Powers and
duties.

(1747.) SEC. 3. Each drain commissioner so duly appointed, sworn, and qualified by giving and filing such bond, and after

¹ As amended by Act 169, Laws of 1871, p. 257, approved April 13, 1871.

fling with such clerk his postoffice address, shall have power and authority within his county to execute the duties of drain commissioner under this act, and the resolutions and orders of the board of supervisors of his county, lawfully made, relating to his action therein, and may at once enter upon the duties of his office.

He shall record in a book or books, to be furnished by his county, a full record of his official acts in detail, sign the same, and transfer such record or records to his successor in office, or file the same in the office of the clerk of said board. He shall also file and keep

To keep record of official acts and copies of accounts with each drain, etc.

in his office certified copies of all accounts against each drain or water-course laid or established or cleaned out under this act. He shall open an account with each drain or water-course by name or number, and draw all proper orders on each drain fund, charging them over to its proper fund, from which they shall be paid, and not otherwise. He shall report to such board from time to time, in

Reports.

detail, his action in relation to each drain or water-course, and file the same with such clerk for the examination of such board; and all orders drawn by him shall not be valid until countersigned by the chairman and clerk of such board, after a full examination of the contract, apportionment, and account of such commissioner, duly filed with such clerk as aforesaid required. The books and records of such commissioner shall be deemed public records, open for examination to all persons interested therein, and on removal of such commissioner such records and accounts shall be returned to and filed with the clerk of the board of supervisors of his county.¹

Books and records to be open for examination.

(1748.) SEC. 4. Upon application to him in writing of ten or more owners of land in each township in or through which they ask to have a drain constructed, for the construction of any drain or drains under this act, it shall be the duty of said commissioner to examine personally the swamp or low lands designated in such application, and if in his opinion it is proper, or necessary, or for the public health, that such swamp or low lands should be drained, he shall try to obtain a release of the right of way and other damages from every person through whose land such drain or drains are to pass. If he obtains such release, he shall proceed to make such examination by surveys or otherwise, as may be necessary to determine the route, width, length, and dimensions of any drain or drains required to be cut in any lands designated in such application, and the lands to be benefited thereby, and shall set stakes at uniform distances, and not more than twenty rods apart, along the proposed line of every drain he decides to construct, and indi-

Proceedings on application for construction of drain.

¹ Vide note to section 1 of this act.

Applicants liable for expenses when ditch is deemed unnecessary.

cate distinctly on each stake the number of the division from the place where such drain is to begin; but if on such examination it shall appear that there was not sufficient cause for making such application, and the commissioner shall so determine, and that no ditch or ditches asked for by said applicants is needed, said applicants shall be liable to said commissioner for the amount of all costs and expenses incurred by him in making such determination, and if said applicants shall neglect to pay the same on demand thereof being made, said commissioner may recover the same in an action of assumpsit or on the case, before any justice of said county: *Provided*, That before said commissioner shall act in the premises, the petitioners, or some of them, shall give a bond to said commissioner in a penalty of fifty dollars, with sureties to be approved by him, conditioned to pay all costs and expenses of all proceedings under said petition, in case no ditch, drain, or water-course be ordered, established, or cleaned out, under the petition:

Proviso.

Further proviso.

And provided further, That the petition, except where the same is asked for upon sanitary reasons only, shall be signed by a majority of the resident owners of the lands through or into which said drain is proposed to be constructed.¹

When right of way cannot be obtained.

(1749.) SEC. 5. If such release cannot be obtained in a reasonable time, said commissioner shall issue an order, under his hand, directed to the sheriff or any constable of said county, to write down the names of twenty-four freeholders, residents of said county, and not interested in the drain or drains in reference to which they are to act, and qualified to be jurors in the circuit

Selection of jury.

court in said county. Such officer shall thereupon write down the names of twenty-four such persons, and give notice to said commissioner, and to such of the persons through whose lands such drain or drains will run, as reside in the township or townships through or into which such drain or drains will pass, and can be found therein, that he will leave such names at the house of some justice of the peace in one of said townships, naming such justice, the place and time to be named in such notice, and the time not less than four days from the time of giving such notice, and that at said place and time a jury will be struck from such list of names. At the time and place appointed, said commissioner shall strike off six names, and the person or persons interested in said drain or drains shall strike off a like number; and if either or both parties fail to strike off, such sheriff or constable shall do so for him or them, and the names remaining on such list shall form the jury;

¹ Vide note to section 1 of this act.

and thereupon said commissioner shall issue a *venire*, under his hand, directed to any constable, or to the sheriff of said county, commanding him to summon said jury to be and appear before said commissioner, at a time and place to be named in said *venire*, to determine the necessity for the construction of any such drain or drains, and the amount of damage sustained by any person or persons owning or interested in any of the lands through which such drain or drains may be constructed. If the jury shall not all appear within one hour after the time of appearance named in said *venire*, said commissioner shall direct the officer to summon a sufficient number of competent jurors, as aforesaid, as talesmen, to complete the panel; and when the panel shall be full, said commissioner shall administer unto each juror an oath, well and truly to examine and determine the necessity for constructing said drain or drains, and to assess the damages sustained by any person or persons owning or interested in the lands through which the same shall pass. Said jury shall thereupon proceed to examine such swamp, marsh, or other low land, to determine the necessity for constructing such drain or drains, and if they shall, on a careful examination of the whole matter, be of the opinion that it is necessary to construct said drain or drains, they shall proceed to assess the damages which any person or persons shall sustain by reason of the construction of the same, and shall certify, in writing, their doings, and the amount of damages so assessed, to said commissioner; and said jurors shall each be entitled to receive one dollar per day, and six cents per mile for traveling, in going to the place or places where such drain or drains shall be located, to be paid according to the provisions of this act.

Jury; how summoned.

How panel filled when jury does not appear.

Oaths of jurors.

Examination by jury.

When jury shall assess damages.

Their certificate to commissioner

Per diem and mileage.

(1750.) SEC. 6. Said commissioner, with the consent of a majority of the resident owners of the property affected by said drain, may, instead of calling a jury, as provided in section five of this act, apply to a court of record having jurisdiction in said county, for the appointment of three special commissioners to examine such swamp, marsh, or other low land, and determine the necessity for the construction of any drain or drains therein, and the amount of damages that any person or persons will sustain thereby. It shall be the duty of said court of record, on such application, to appoint such special commissioners, and deliver to said drain commissioner a certificate of the appointment of said commissioner, and the commissioners so appointed shall determine the necessity for constructing any drain or drains so applied for, and assess the damages to which any person or persons shall be entitled by reason of the

Special commissioners instead of jury.

Shall proceed same as jury.

construction thereof, in the same manner, and under the same restrictions imposed on a jury of freeholders in section five of this act, and shall certify in writing their determination to said drain commissioner.¹

Certificate of determination.

How owners of land may construct drain.

Contract for.

Record of accepted drain.

Provision for assessing expenses on lands benefited.

Where drain benefits highway.

(1751.) SEC. 7. If at this or at any prior stage of the proceedings, all the owners of the lands through which such drain or drains are located shall, by themselves, their agents, or attorneys, pay to said commissioner all the costs and expenses thus far incurred by him, and severally enter into contract with said commissioner, with good and sufficient surety, and in such sum as said commissioner may require, to construct so much of said drain, and on such route, and of such dimensions as said commissioner may in said contracts determine and assign to said owners respectively, and the expenses to be incurred in accepting said contracts or otherwise, and collection in case of non-fulfillment, then said commissioner may so contract with said owners; and such drain, when so finished and accepted, shall be recorded by said commissioner as a drain lawfully constructed, in pursuance of the provisions of this act. If any of said contracts are not fulfilled by the time limited therein, said commissioner may prosecute the same to final settlement and collection, with all lawful costs and expenses attending such collection.

(1752.) SEC. 8. If all the owners of lands through which such drain or drains are located shall not pay the expenses incurred, and contract to build such drain or drains, as provided in section seven of this act, said commissioner shall make, or cause to be made, maps of said lands, designating thereon the length, depth, width, position, and direction of every ditch or drain by him laid out and established, also the number of acres of every section or part of section of lands to be benefited by said ditches or drains, and shall estimate and assign the construction of an equitable part or parts of such drain or drains to each parcel of land to be so benefited, describing such parts of drains by said division stakes, and stakes subdividing such divisions, if need be. And where such drain or drains will benefit highways, said commissioner shall estimate also the amount of such benefit, and assign the same to the township to which such highway belongs. He shall also make an estimate of the sum necessary to be raised to pay the incidental expenses of making such ditches or drains, and for damages, if any, and the portion thereof that ought to be assessed on each parcel, section, or part of section of land to be benefited thereby,

¹ Vide note to section 1 of this act.

and the amount to be raised in each township for such incidental expenses and damages. The incidental expenses, damages, and expense of construction of drains shall be assessed on the several parcels of lands benefited or injured, in proportion to the benefit or injury to accrue to each such parcel of land from such drains: *Provided*, That no assessment shall be levied on the lands not actually benefited. Proviso.

(1753.) SEC. 9. Said commissioner shall give at least fifteen days' public notice in some newspaper published and circulating near such drain or drains, of the time or times when and the place or places where he will meet parties to contract for the excavation and construction of such drain or drains, such place or places to be convenient of access by the people resident near and interested in the proposed drain or drains, and at least three such notices shall also be posted in the most public places of travel and resort in each township, and as near as may be along the line of such proposed drain, at least ten days next preceding such meeting. Said commission[er] shall also name in or in connection with such published and posted notices, a convenient place near such drain or drains, and a time not less than three days nor more than five days prior to the day fixed in said notices for letting the construction of such drain or drains, at which time and place he will exhibit surveys of the proposed drain or drains, and descriptions of the several parcels of land by him deemed to be benefited thereby, and the amount and description, by divisions and subdivisions, of the proposed drain or drains by him apportioned to the owner of each description of land to construct, and to each township to construct, on account of drains benefitting highways, if any such benefit there be, and hear reasons, if any are offered, why such apportionments should be reviewed and corrected. And said commissioner shall also give at least six days' notice, in writing, to each and every resident owner or occupant of any of the lands assessed for the incidental expenses, damages, and expense of construction of drains, as mentioned in section eight of this act, of such meeting for review and correction of apportionment. And if at this time two-thirds of the persons whose lands are to be taxed for such drain or drains enter a protest against said drain, and pay the costs and expenses up to this time, all proceedings for the construction of said drain or drains shall be suspended for one year. Between such day of hearing and review and the appointed day of letting, the commissioner shall, if need be, revise his apportionments of such drain or

Notice for meeting to let contracts.

Notice of day and place for exhibiting surveys and apportionment of cost of construction, and review and correction thereof.

Hearing of reasons for reviewing and correcting apportionment.

Notice to resident owners or occupants of lands assessed, of meeting for review and correction.

Protest of two-thirds shall suspend construction.

Apportionment revised.

Each land-owner may contract for making his portion of the ditch.

When contract let to the lowest bidder.

Form of contracts.

Where expense of same shall be levied.

Letting of contracts may be postponed.

Highway commissioner may act for township at meeting for hearing and letting.

Taxes on State lands reported to Commissioner State Land Office

drains. At the time and place for letting named in said notices, the owner of each such parcel of land, or his or her agent or attorney, may appear, and make and execute to said commissioner a contract or contracts, with good and sufficient surety, for the faithful performance of the excavation and construction within the time limited by said commissioner in such contract or contracts of so much of such drain or drains as said commissioner has adjudged or set off to such land. When any part of such drain or drains is offered to be let, and the owner of the land to which it is assigned, or his or her agent or attorney, shall not at once, and without unnecessary delay, enter into contract as aforesaid, to excavate and construct the same, as provided in this section, it shall be the duty of said commissioner to let the same to the lowest responsible bidder or bidders therefor, who shall execute and file a contract or contracts, with good and sufficient surety, as aforesaid, with said commissioner, for the faithful performance of the excavation and construction of the same, according to said contract or contracts; and the cost of such excavation and construction, and its portion of the incidental expenses and damages shall be levied and assessed upon the land to which such part or parts of said drain or drains have been assigned as aforesaid. If at the time of letting said drain or drains, according to said notice, no suitable land-owners or bidders for the construction of the same, or any part thereof, appear to take or bid and contract, with good and sufficient surety, for the construction and completion of the whole of the same, or for any other cause by said drain commissioner deemed important and sufficient, he may postpone and adjourn such letting, in whole or in part, and from time to time, to such other time or times, to be by him at the time of such adjournment publicly announced, as shall to him seem meet and proper, but not in all more than thirty days from and after the time of the letting at first advertised and noticed as aforesaid. At the hearing and the letting provided for in this section, one or more of the commissioners of highways of any township named in said notice, and to which has been assigned any construction of drain or tax for incidental expenses or damages on account of benefit by such drain or drains to highways, may appear and act in behalf of such township. Any taxes so assessed on State lands shall be at once reported by said commissioner to the Commissioner of the State Land Office, who shall enter on the books of his office, against each description of such State land, the amount of drain taxes assessed thereon, and no patent shall issue for such lands

until said drain taxes are paid or otherwise provided for. Any person resident in said county failing or neglecting to file, in writing, with said commissioner, on or before such appointed day of hearing and review, his claim for damages, or objections to such assessments, shall be held to have waived his claim for damages and his right to appeal.¹

When persons held to have waived right of appeal.

(1754.) SEC. 10. When any part or parts of such drain or drains are not finished within the time limited by contract, said drain commissioner may, in his discretion, or at any time thereafter, extend such contract or contracts, or re-let such unfinished drain or drains, or any part thereof, by public sale or otherwise, after not less than five days' notice thereof, to the lowest responsible bidder or bidders, and shall take security as before. The cost of completing such parts, and the expense of notices and re-letting, shall be collected by said commissioner of the parties at first contracting to construct the same, or partly collected of such parties and partly assessed on the lands to which the construction of such parts was assigned, as may be deemed just and equitable; and said commissioner shall see and provide that the finished portions of any drain by him laid out, established, and constructed shall have free outlet, as far as may be, within the limits of his jurisdiction: *Provided*, That in no case shall such commissioner forfeit and annul a contract without ten days' notice to such contractor, if found, and if not found, then by written notice left at his last place of residence.¹

Contracts extended or re-let.

How expense of re-letting and completing collected.

Drain to have free outlet

Proviso.

(1755.) SEC. 11. Said commissioner shall make a full report of all his doings in the premises, accompanied with surveys, if necessary, and all other matters needful to a full exhibition of his action on such drain, and present the same to the board of supervisors at their next annual meeting, using such blanks and forms as may be necessary for this purpose; and the board of supervisors shall, at such meeting, charge the aggregate sums as they are so apportioned, against the proper townships, and direct the supervisor of each township in which any portion of said drain or drains may be ordered to be constructed or tax levied, to levy the same upon the several parcels of land described in said report of his township, according to the apportionment of said commissioner, and direct the township treasurer to collect and pay said sums to the county treasurer in like manner and at the same time with other taxes: *Provided*, Said report and apportionment

Report to supervisors.

Tax levied and collected as others.

Proviso.

¹ Vide note to section 1 of this act.

shall contain a description, and the amount of the assessment, which shall not exceed twenty-five per cent of the previous year's assessed valuation, of each parcel of land, specifying each piece or parcel of land by usual subdivisions of sections of all land through which such drain or drains may run, or which, in his opinion, are actually benefited thereby, and be published in some newspaper within the county, at least three weeks in succession, previous to the said meeting of the board of supervisors.¹

Delinquent tax
returned to Au-
ditor General.

(1756.) SEC. 12. It shall be the duty of the county treasurer to return all lands upon which a tax shall be levied under this act, delinquent for such tax, to the Auditor General, and the same shall be advertised and sold therefor, at the same time, and in the same manner, and subject to the like redemption as lands delinquent for other taxes. In case any lands belonging to individuals charged with a drain tax shall be bid off to the State, or sold to other parties, at the tax sales, the State Treasurer shall pay over to the proper county treasurer the amount of such drain taxes.

When State
Treasurer to
refund tax to
county.

Power of com-
missioner to re-
locate, alter, and
extend drains.

(1757.) SEC. 13. Said commissioner shall have power to re-locate any drain or drains, and to alter or vary the size, or extend the line thereof, with the consent of the contractor or contractors, if such extension be necessary to provide a suitable outlet; and the power herein conferred on said commissioner, for digging and draining, shall also extend to and include deepening and widening and clearing out any ditches or drains which have heretofore been or may hereafter be constructed; also straightening, cleaning out, and deepening the channels of creeks and streams; but no expense exceeding twenty-five dollars on any one drain or creek shall be charged and assessed as aforesaid, unless upon such application as provided for in section four of this act.

To deepen,
widen, and clear
out creeks and
streams.

Limit of expense

Drains in high-
ways.

Overseers to
keep open.

Bridge for same.

Township to pay
apportionment
of commissioner

(1758.) SEC. 14. Drains may be laid along, within the limits of, or across any public road; and when any shall be so laid out and constructed, or where any road shall hereafter be constructed along or across any such drain, it shall be the duty of the overseers of highways, in their respective districts, to keep the same open and free from all obstructions; and when any such drain shall cross a public highway, the commissioners of highways of the proper township shall build and keep in repair a suitable bridge over the same; and the township to which any road along or across which any drain has been made, belongs, shall pay towards the construction of such drain such sum, including the cost of building such bridge, as the drainage commissioner shall estimate, as aforesaid,

¹ Vide note to section 1 of this act.

as the benefit accruing to such road from such drain. A drain may be laid along any railroad when necessary, but not to the injury of such road; and when it shall be necessary to run a drain across a railroad, it shall be the duty of such railroad company, when notified by said drain commissioner to do so, to make the necessary opening through said road, and to build and keep in repair a suitable culvert.¹

Drains along or
across railroads.

(1759.) SEC. 15. Whenever any tax levied for the construction of a drain under this act shall be reported back by the Auditor General to the county treasurer where the same was levied, or shall be set aside by any court of competent jurisdiction, it shall be lawful for the supervisor of the proper township to re-assess such tax on the same land where such drain has been made. And it shall also be competent for the board of supervisors, upon the recommendation of the drainage commissioner, or upon a review before them, had by appeal from the action or decision of the drain commissioner, to re-assess upon the various lands, or portions of land, sections, or parts of sections of land by him deemed to be benefited or damaged by any drain or drains, such amount or amounts of drainage taxes, to be assessed, levied, and collected as other State and county taxes are assessed, levied, and collected, as may be by them deemed necessary to correct any mistake or misapportionment of drain, or of taxes for the construction of the same, by the drainage commissioner: *Provided*, Such appeal or review be brought before said county supervisors within one year from the time of such alleged mistake or misapportionment on the part of the said drainage commissioner, or by appeal as hereinafter provided.

Re-assessment
of drain tax.

Provido.

(1760.) SEC. 16. If any person shall willfully or maliciously remove any division stake set along the line of any drain laid out by and under the provisions of this act, or obstruct or injure any such drain, he shall, for each and every such offense, be subject to a fine not exceeding ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which fine may be recovered in an action of debt, at the suit of said commissioner, before any justice of the peace of the proper county; and whenever recovery shall be made, and the same collected, it shall be deposited with the county treasurer for the benefit of the library fund of the township in which such drain is located.

Penalties for
removing stakes
along line, etc.

(1761.) SEC. 17. No money shall be paid by any county treasurer of any county in which a tax is assessed for the purposes of drain-

How money
drawn from
county treasury.

¹ Vide note to section 1 of this act.

age, under this act, except on a warrant drawn by such commissioner, countersigned by the chairman and clerk of the board of supervisors of his county, and in the county of Wayne the board of county auditors, and then only from the particular ditch fund provided for such ditch, and not otherwise.¹

Pay of commis-
sioner.

(1762.) SEC. 18. The commissioner shall be entitled to receive not to exceed four dollars per day, for the time actually spent by him in performing his duties under this act, which shall be in full for time and all his expenses, to be audited by the board of supervisors, and paid out of the moneys, collected by virtue of this act, for each respective ditch or drain, and not otherwise.¹

How audited
and paid.

Unpaid orders
on county treas-
urer to draw in-
terest after pre-
sentation.

(1763.) SEC. 19. Whenever any order drawn by the commissioner shall be presented to the county treasurer, and there shall be no funds in his hands applicable to the payment thereof, the county treasurer shall indorse thereon the date of such presentation, with his signature thereto. Such order shall draw interest from and after such presentation and indorsement.¹

Proceedings on
application for
drain in two
counties.

(1764.) SEC. 20. Whenever it shall be deemed necessary to run a drain across any county line, the application for such drain shall be addressed to the commissioners of both counties, and the same proceedings shall be had, as near as may be, as are required on the application to the commissioner of one county, and they [shall] both act as one board of commissioners, and the board thus formed shall report to both boards of supervisors and the Commissioner of the State Land Office, as hereinbefore provided when the drain lies in one county.¹

Appeal from de-
cision of com-
missioner to jury
and from thence
to board of su-
pervisors.

(1765.) SEC. 21. An appeal shall lie from the decision of said commissioner to a jury of six disinterested freeholders, on due application to a justice of the peace in and for the proper county, within ten days after such decision, and from the award of such jury to the board of county supervisors, by notice filed with the county clerk within ten days after such award is rendered: *Pro-
vided*, The appellants shall in all cases, before taking such appeal, give security for costs, with one or more sureties, to the satisfaction of the justice before whom such appeal is taken; and a review, simply to correct mistakes or errors in fact, may in like manner be had before the board of county supervisors, at any time within one year after such mistake has been made by said drain commissioner.¹

Provided.

Warrants re-
ceived for tax
bids.

(1766.) SEC. 22. All bids made for any of the lands which may be sold for taxes assessed under the provisions of this act may be paid in warrants drawn under the provisions of this act by the

¹ Vide note to section 1 of this act.

commissioner, on the treasurer of said county in which the lands are situated, if drawn for the construction of drains, incidental expenses, or commissioner's services, for which said lands are to be sold; and such warrant shall, if tendered, be received by the Auditor General, or treasurer of the county in which they were drawn, in payment for any such tax that may be returned delinquent.

(1767.) SEC. 23. For the information of all persons concerned, the said commissioner shall make a full report, in writing, to the board of supervisors of the proper county, at the next and each annual session thereafter, setting forth as nearly as practicable: Annual report of commissioner.

First. What proportion of the ditches or drains, for the construction of which a tax has been levied, is completed, and the amount paid therefor; Contents.

Second. What proportion is under contract and not completed, and the amount to be paid therefor, and whether such contract or contracts are likely to be performed; also the proportion not yet under contract and the estimated cost of their construction, and whether there is a sufficient amount of unexpended funds created by such tax to complete the work; Ibid.

Third. What amount of such funds has been expended, and for what purpose, exhibiting the items of such expenditures as fully as may be practicable; and also, what amount of warrants has been drawn by him against such fund, and shall also report all such other matters in relation to the subject as he may deem necessary, or said board of supervisors may require. Ibid.

(1768.) SEC. 24. The board of supervisors of each county in which a commissioner shall be appointed shall have full power and authority to control the action of such commissioner, and may order a reassessment of the drain tax, or any portion thereof, to correct errors, as provided in section fifteen of this act, and may make any other order in relation to such ditches or drains, or other matter relating thereto, not inconsistent with the public interests or the rights of individuals, which order shall be binding on such commissioner. Commissioner subject to control of board of supervisors.

(1769.) SEC. 25. Said commissioner shall issue his order upon the county treasurer for the amount of such damages as may be allowed to any person or persons, their agent or attorney, by reason of the construction of any drain or drains under this act. Such order or orders shall be paid by said treasurer out of any moneys in the treasury in pursuance of the provisions of this act. Commissioner to issue orders upon county treasurer.

Proceedings
when it is neces-
sary to run drain
into or through
a lake, etc.

(1770.) SEC. 26. Whenever application shall be made, as provided in section four of this act, to said commissioner, to examine any swamp, marsh, or other low land, for the construction of any drain, and in such examination it shall appear necessary to extend such drain into or through any lake or body of water surrounded wholly or in part by swamp, marsh, or other low lands, said commissioner is authorized to so extend such drain; and for the purpose of ascertaining the amount of lands benefited, shall, if necessary, cause surveys to be made of the boundary line of such body of water, for the purpose of assessing the incidental expenses, damages, and expenses of construction of such drain. Such reclaimed land shall be attached to and constitute part of the legal subdivision adjoining: *Provided*, When a release of the right of way and all other damages for the extension of such drain has not been obtained from all the owners of land adjoining such lake or other body of water, then the necessity for the extension of such drain shall first be determined and damages awarded by a jury or by special commissioner, as in this act provided.¹

Proviso.

Right of person
taxed to con-
struct through
land of others.

(1771.) SEC. 27. Any person or persons who shall be taxed for the construction of any drain or drains constructed in accordance with the provisions of this act, whose lands shall not be situated on the line of said drain, shall have the right and it shall be lawful for such person or persons to construct, dig, and excavate a drain and keep the same open, in any water-course leading from such lands into said drain, across the lands of any person or persons lying between said lands so taxed and said drain, at proper seasons of the year, and causing as little damage as possible to the owner or occupant of the lands through which such drains may be constructed.

Drain in village.

(1772.) SEC. 28. Whenever any drain shall be laid along or near the boundary line of any city or village, under the provisions of this act, and any lands within said city or village shall be benefited thereby, the said commissioner shall make an estimate of the sum that ought to be levied on each parcel of land so benefited, in the same manner, and the same proceedings shall be thereupon had, as if said lands had been included within a township; and whenever said commissioner shall find it necessary, he may, with the consent of the common council or trustees, lay and construct any drain, partly in a township and partly in a city or village; and may, in like manner, estimate the sums that ought to be levied on any par-

Consent of com-
mon council.

¹ Vide note to section 1 of this act.

cel of land within such city or village, that shall be benefited by such drain, and the same proceedings shall be thereupon had, and the sums collected in the same manner, as if said lands were situated in a township.

(1773.) SEC. 29. It shall be the duty of every person owning land across which a drain has been or may be lawfully constructed by the county drain commissioner, to keep so much of such drain as lies upon his lands, which are in any manner benefited by such drain or ditch, open and in good repair. If such owner shall refuse or neglect to keep such drain open and in good repair, it shall be lawful and the duty of said commissioner, on application to him in writing of five freeholders, residents near the obstructed parts of such drain, to open and repair the same; and the costs and expenses of such repairs shall be collected by said commissioner of such delinquent owner, or such costs and expenses, with one year's interest on the same, may be reported to the board of supervisors, who shall order the same to be assessed by the supervisor of the proper township, on the real and personal estate of such delinquent owner, and the same shall be collected and paid over to the county treasurer, and passed to the fund of such drain: *Provided*, That if such expenses shall exceed ten dollars, the same application shall be had as in section four of this act, and the expense of such repairs shall be assessed on the several parcels of land previously assessed for the construction of such drain; and such assessment shall be reported, collected, paid over, and passed to the fund of such drain, as in this act provided.¹

How drain to be kept in repair

Proviso.

(1774.) SEC. 30. All commissioners appointed according to the provisions of an act entitled "An act to provide for the draining of swamps, marshes, and other low lands," approved March fifteenth, eighteen hundred and sixty-one, and the several acts amendatory thereto, viz: act number two hundred and forty, laws of eighteen hundred and sixty-five, approved March eighteenth, eighteen hundred and sixty-five; act number four, laws of eighteen hundred and sixty-seven, approved February fifth, eighteen hundred and sixty-seven; act number one hundred and twenty-seven, laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven; and act one hundred and forty-nine, laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven; or who are elected or appointed under the act to which

Term of office of commissioners not changed by this act.

¹ Vide note to section 1 of this act.

Actions or suits
begun under
former acts.

Route may be
altered or con-
tract rescinded.

Assessments,
contracts, rights
accrued, etc., not
annulled by this
act.

Proviso.

Supervisor can-
not be drain
commissioner.

Proviso.

Acts repealed.

this is amendatory, and who are holding such offices at the time of the passage of this act, shall continue to hold such office, with all the powers, and subject to the provisions of this act, until their term of office shall expire, or they shall resign, or be removed by the board of supervisors of the proper county, or until a drain commissioner shall be appointed and qualified, and has filed his oath and bond as provided in this act; and thereupon they shall deliver to said commissioner all books, papers, moneys, accounts, or other property belonging to said office. Any action or suits begun under said acts shall continue and be determined under and according to this act; and said commissioner may alter and vary the route, and rescind any contract entered into for the construction of any drain, for any cause which, in his opinion, may be sufficient; and upon such alteration or variation of route, or rescission of contract, may proceed to the completion of such drain or drains under the provisions of this act: *And it is provided, That anything contained in this act shall not be construed or held to annul or avoid any assessment, contract, or undertaking heretofore made, levied, or entered into by the commissioners of any county, under the said acts which are by this act repealed, save as in this section provided; and all rights which may have accrued, and all acts done by such commissioners, shall remain unimpaired by anything herein contained, save as provided in this section, and all acts done and all rights which may have accrued shall be continued, perfected, and closed by the commissioner appointed under this act, and in case none shall be appointed, then the same may be perfected and closed by the commissioners by whom the acts were commenced: *Provided, That no drain commissioner holding office at the time this act takes effect shall be removed by the board of supervisors except for incompetency or malfeasance in office.*¹*

(1775.) SEC. 31. No person holding the office of supervisor shall be deemed eligible to the office of drain commissioner, under the provisions of this act, and any commissioner accepting said office of supervisor shall thereupon be considered as removed from said office of drain commissioner: *Provided, That all acts done under the provisions of act number forty-three, of session laws of eighteen hundred and sixty-nine, by drain commissioners who were supervisors, shall be deemed as legal and valid as if such commissioners were not supervisors at the same time.*¹

(1776.) SEC. 32. An act entitled "An act to provide for the drainage of swamps, marshes, and other low lands," approved

¹ Vide note to section 1 of this act.

March fifteenth, eighteen hundred and sixty-one, and all other acts or parts of acts contravening the provisions of this act, are hereby repealed.

(1777.) SEC. 33. The collection of no tax or assessment levied, or ordered to be levied, to pay for the location and construction of any ditch, or drain, or water-course laid out and constructed under and by authority of this act, or the act to which this act is amendatory, shall be perpetually enjoined or declared absolutely void in consequence of any error committed by the drain commissioner, the supervisors of the respective townships, the board of supervisors, or their chairman or clerk, in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings by which any ditch, drain, or water-course shall have been located and established. But the court in which any proceeding is now pending, or which may hereafter be brought, to reverse or to declare void the proceedings by which any ditch, drain, or water-course has been located or established, or to enjoin the tax levied to pay for the labor, and costs, and expenses aforesaid, shall, if there be manifest error in said proceedings, set the same aside and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall, on application of either party, appoint such person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary; and the court shall, on a final hearing, make such an order in the premises as shall be just and equitable, and may order such tax to remain on the roll for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole, or such part thereof as may be just and equitable, to be refunded, the costs of said proceedings to be apportioned amongst the parties, or to be paid out of the county treasury, as justice may require.¹

Taxes not perpetually void on account of error.

Relative to proceedings now pending on ground of error.

¹ Vide note to section 1 of this act.

CHAPTER XLVIII.

TOWNSHIP DRAIN LAW.

An Act to authorize the election of a township drain commissioner in each organized town, and to authorize him to locate, establish, and construct ditches, drains, and water-courses in his respective towns, and to repeal all other drainage laws in relation thereto.

[Approved April 13, 1871. Laws of 1871, p. 146.]

Election of township drain commissioner.

Oath of office.

Powers of.

Proviso.

Ibid.

(1778.) SECTION 1. *The People of the State of Michigan enact,* That there shall be elected, at the town election in April, in the year eighteen hundred and seventy-one, and annually thereafter, in each of the organized towns of the State, one township drain commissioner, who shall take, subscribe, and file with the town clerk, the oath required by the Constitution of this State, and shall have power under this act to locate, establish, and construct ditches, drains, and water-courses in their respective towns, and to alter, enlarge, extend, and clear those already located, laid out, and established under any law of this State: *Provided,* That whenever a vacancy shall occur in the office provided for in this act, the same shall be filled by the township board of such township; and it shall be their duty to fill such vacancy within thirty days after such vacancy shall occur: *Provided,* That in townships where no drain commissioner shall be elected in eighteen hundred and seventy-one, it shall be lawful for the township board of such town to appoint a drain commissioner for that year, with the same force and effect as if duly elected, and he shall be qualified and sworn as if elected, and shall hold his office until his successor is duly elected and qualified under this act, and with the same powers, duties, and obligations.

(1779.) SEC. 2. When any person or persons interested in establishing a water-course, or locating a ditch, for the purpose of draining any swamp, lake, marsh, or other low lands, in any township in this State, shall make application to the drain commissioner of such township to establish such water-course or locate such ditch, and shall give such commissioner good and sufficient security in writing, to pay all costs and expense of whatever kind, pertaining to the action of said commissioner about such application, in case such application shall not be granted, said commissioner shall at once appoint a time and place for an examination upon such application, and shall give notice thereof, in writing, to all persons interested in such ditch or water-course who reside in such township, which notice shall be served upon each of such persons at least five days before the day appointed as aforesaid, by delivering a copy to such persons, or by leaving a copy at the residence of such persons with some person of suitable age; and when any person or persons interested in such water-course or ditch reside out of such township, such commissioner shall publish such notice for three successive weeks, next before such day appointed, in a newspaper of general circulation in the county in which such township lies, or when there is no such newspaper in such county, in a newspaper of general circulation in an adjoining county, unless he shall serve written notice, as above provided, on all such persons living out of such township, in which case the persons upon whom such notice is made shall have one day's notice for every twenty miles' travel (excluding Sundays) from their residence to such place appointed, in addition to the five days' notice provided above; and a copy of such notice, with an affidavit of service or publication, or both, as above provided, shall be taken as evidence that the same has been regularly served or published, or both regularly served and published, as the case may be; and said drain commissioner may administer any oaths provided for in this chapter.

Proceedings on application for locating ditch.

Notice of meeting for examination of same.

Notice to non-residents.

Commissioner may administer oaths.

(1780.) SEC. 3. Said drain commissioner, at the time and place appointed, as provided in the preceding section, shall proceed to examine such water-course or line of proposed ditch, and to hear all persons interested, and for that purpose shall have power to enter upon any lands in his township, and may also adjourn such examination and hearing, from time to time, as to him shall seem fit, by publicly announcing the time and place to which such adjournment is made.

Powers and duties of commissioner in relation to application.

Pay of commis-
sioner.

(1781.) SEC. 4. If said drain commissioner, after such examination and hearing, determine not to establish such water-course or locate such ditch, or if the jury or commissioners hereinafter provided for shall so decide as to prevent the establishment of such water-course or locating such ditch, then said applicant or applicants shall immediately pay said commissioner all his just and legal costs, charges, and expenses, including all moneys said commissioner may have paid, or become obligated to pay, the other persons in the same manner.

Proceedings in
case drain is
found necessary.

(1782.) SEC. 5. On such examination and hearing, if said drain commissioner shall deem it necessary to drain such lands mentioned therein, and for the health of the inhabitants of such town, he shall immediately proceed to establish such water-course or locate such ditch, and to that end he shall cause a survey and measurement thereof to be made, if he deems it necessary, and shall decide upon the commencement, courses, distances, depth, width, and termination thereof; and if any of the owners of the land through which said water-course or ditch is to run, shall not release all claim for compensation therefor, the said commissioner, at the time of the examination and hearing mentioned in the foregoing sections, shall make a list of twenty-four disinterested freeholders residing in the vicinity of such land, and in the same county, from which said commissioner shall strike off the names of six, and the owners of such land six; but if such owners do not appear at said examination and hearing, or, appearing, refuse or neglect to act, then said drain commissioner shall strike off other six, and the remaining twelve shall be elected; and said commissioner shall at once issue a *venire*, signed by him, directed to the sheriff or any constable of said county, commanding him to summon said jurors, naming them, to be and appear before him forthwith, or at such other time as he shall direct, not more than three days from the date of said *venire*, to serve as jurors to ascertain the necessity of taking certain property (describing it) for the purpose of such water-course or ditch, and the just compensation to be paid therefor; and if all such jurors shall not appear, said sheriff or constable shall summon talesmen to make a full jury. Said jurors shall be sworn to ascertain the necessity of taking the land described in the *venire*, for the purpose of opening said water-course or ditch, and to appraise the just compensation to be paid to the owner or owners thereof, if any. Said jury, after viewing the premises described in said *venire*, shall make return to said drain commissioner, in writing, signed by all, or a majority of them, of their

Proceedings
when owners of
land do not re-
lease claim for
compensation.

Sheriff to sum-
mon jurors and
aff jury.

Oath of jurors.

Return of jury
to commissioner

doing, which shall state as to the necessity of taking such tract or tracts of land described in the *venire* for the purpose of opening said water-course or ditch, and the just compensation to be paid to the owner or owners therefor, if any, and to whom payable; and in case said jury cannot agree, another jury may be chosen and sworn in like manner as the first, on the same or some other day to be appointed by said commissioner, who shall act and make return as aforesaid; and successive juries may be chosen, sworn, and act as aforesaid, until they shall agree, if the parties interested desire it; or said drain commissioner may then, or in the first instance, apply to the probate court of their county for the appointment of three commissioners to act in place of said jury, who shall take the same oath and perform the same duties prescribed above for said jury: *Provided*, That if said jury or commissioners shall certify that the taking of said land for the purpose of said water-course or ditch is not necessary, all further action in that case shall be suspended for twelve months, at the expiration of which time another jury or set of commissioners may be called or appointed as aforesaid, if the parties desire it.

Successive juries chosen until they agree.

Commissioners may be appointed by probate court.

Proviso.

(1783.) SEC. 6. If the owners of the land through which such water-course or ditch is to run shall release all claims for compensation therefor, or said jury or commissioners of appraisal shall return that it is necessary to take said land for the purpose of said water-course or ditch, and shall award the just compensation therefor to be paid to the owners of said land, said drain commissioners shall, as soon thereafter as may be, proceed to apportion the labor of opening and maintaining said water-course or ditch upon the lands drained or benefited thereby, or the township at large, in such proportion as he shall deem just and right; and shall cause a measurement to be made of such proportion thereof as he shall award to each piece or tract of land, and shall number the same, and cause a stake or monument to be placed at the commencement of each portion, with the number of the same marked thereon on the side towards the portion designated by the number; and he shall cause a survey to be made, showing the commencement, intermediate courses and distances, depth, width, and termination of such water-course or ditch, also showing the portions into which such water-course or ditch is divided, and the length and number of each portion, and he shall make an official certificate of his doings, showing the establishment of such water-course or location of such ditch, referring to such survey for the commencement, courses, distances, depth, width, and termination of the same, and

Proceedings when claims are released or compensation awarded.

Official certificate of commissioner and where filed.

Entry to be made of same in a book for that purpose.

Award, etc., a lien upon land.

Proviso.

How ditch, etc., may be located, when all parties agree.

How and when ditch, etc., located under section seven shall be opened.

further showing what portions of such water-course or ditch he has apportioned to be opened and maintained by each piece or tract of land to be drained or benefited thereby, and the length and number of such portion, which certificate, together with said survey, and all other papers in the case, shall be attached together and filed in the office of the clerk of the township in which such water-course or ditch is to be opened, to be preserved as the records of such township, for the benefit of those interested; and such clerk shall make an entry, in a book kept for that purpose, of papers so filed, showing the kind of paper and date of entry, and showing in what part of such township such water-course is established, or ditch located, and name of ditch, which entry shall be *prima facie* evidence of the existence of such papers at the date of such entry, and of their having been duly filed at such date; and such award and apportionment of labor, as aforesaid, when duly filed as aforesaid, shall thenceforth be a lien upon each piece or tract of land so drained and benefited, to open and maintain such portion of such water-course or ditch so apportioned to it, and an obligation against the owners thereof: *Provided*, That in case of application for clearing any natural water-course, it shall not be necessary to level and survey the same, but simply to divide the water-course into sections.

(1784.) SEC. 7. If all the owners of the land to be drained or benefited by such water-course or ditch shall agree in writing, signed by them, upon the establishment of such water-course or location of such ditch, and its dimensions, and the apportionment of the labor that each tract of land drained or benefited thereby is to bear in opening and maintaining the same, and shall release all claims for compensation for the opening of the same across their land, and shall make such a survey as is provided for in the foregoing section, and shall file such survey and agreement in the clerk's office for such township, and shall fix stakes or monuments as provided in the foregoing section, then such water-course shall be established or ditch located, with all the force and effect, and be as binding in law, as if established or located by the drain commissioner under the provisions of this act; and said clerk shall file and make entries of all such papers, which shall have the same force and effect as provided in the foregoing section for papers filed and entered in his office.

(1785.) SEC. 8. When such water-course is established or ditch located, and apportionment thereof made, and papers filed as provided in the foregoing section, by agreement of parties or by act of

the commissioner, it shall be the duty of each owner of the land upon which such apportionment is made, to fully open such portion of such water-course or ditch as has been apportioned to his land, to be opened and maintained by the first day of October next after such papers are filed; and in all cases parties shall have at least three months to complete such work. If any portion of such water-course or ditch is not opened by the time above provided, said drain commissioner shall, as soon as practicable, cause the same to be done, either by public letting to the lowest responsible bidder, or private contract on such reasonable terms as he may be able to procure; and he shall give to the persons who shall have performed their contracts thereon, certificates showing the amount and value of the labor performed by such persons on each contract respectively, with a description of the land against which such labor was performed.

(1786.) SEC. 9. Said drain commissioner shall apportion all the just fees, costs, and expenses of all the officers and persons engaged in any manner in establishing such water-course or locating such ditch, upon the lands drained or benefited thereby, in such proportion as shall to him seem just. He shall also, in the same manner, apportion the compensation awarded by the jury or commissioners of appraisal, to certain of the owners of the lands through which such water-course or ditch runs, except that the lands to the owner of which such compensation is to be paid shall not be liable to the apportionment of any part of such compensation; and he shall apportion all the fees, costs, and value of the labor of opening any portion of such water-course or ditch caused to be opened by him under the provisions of the foregoing section, to the land to which the opening of such portion was apportioned; and he shall make a statement in writing, signed by him, showing his apportionment to each tract of land, of the fees, costs, and expenses of officers and other persons in establishing such water-courses or locating such ditch; also, of the compensation to be paid to owners of land as aforesaid, and of fees, costs, and value of labor of opening any portion of such water-course or ditch caused to be opened by said drain commissioner as aforesaid, showing further the amount out of such apportionments to be paid to each and every person entitled thereto; and where compensation is to be paid to the owner of land through which such water-course or ditch is to run, and the name of such owner is known, then name him as the owner of such land, which statement shall be subscribed and sworn by said drain commissioner, and shall be filed in the

Commissioner
to apportion cost
of same.

Statement show-
ing apportion-
ment and where
filed.

Proviso.

office of the township clerk on or before the tenth day of October next after such water-course is established or ditch located: *Provided*, If there is any portion of such water-course or ditch that is not opened by said tenth day of October, then such statement as to such portion may be filed on or before the tenth day of October next thereafter, in like manner.

Apportionments not paid, to be assessed and collected same as certain other taxes.

(1787.) SEC. 10. If the owners of land upon which such apportionment is made, or agreed to be made, do not pay the apportionment upon their lands, respectively, on or before the first day of November next after the filing of such statement (to be paid to the township treasurer, in accordance with a statement of the amount to be furnished by the township clerk to such treasurer), all such apportionments which are not paid by said first day of November shall be certified by the township clerk to the supervisor on or before the fifth day of November thereafter, which supervisor shall immediately levy such apportionment upon the lands upon which the apportionments are made, in a column entitled "Delinquent ditch tax," in the same manner that delinquent highway taxes are required by law to be levied; and the amount so levied shall be collected by the township treasurer the same as other taxes, and, when collected, shall be paid over to the person or persons entitled to receive the same, on the order of the township board, together with the money paid in to the township treasurer by the owners of land, as aforesaid. In the event of a failure, from error or oversight, to levy such taxes, or any part thereof, within the time and in the manner herein provided, on any tract or tracts of land that should be taxed by the apportionment of the commissioner, and the tax for such cause should fail for the year in which it ought to have been assessed, it shall be lawful to levy or re-levy and collect the same the next year, in the same manner and with the same force and effect as the same might or could have been the first year.

Disposition of same when collected.

Same may be levied and collected second year after.

When tax not collected, lands returned to county treasurer

(1788.) SEC. 11. If the taxes so levied are not collected by the town treasurer, the land upon which they are levied shall be returned to the county treasurer, in a separate return, at the same time and manner as lands are returned for other taxes; and such taxes may be paid to the county treasurer, with ten per cent interest and cost of advertising, at any time before sales, as hereinafter provided.

To be sold and redeemed same as in other cases.

(1789.) SEC. 12. If such taxes, interest, and costs are not so paid to the county treasurer, he shall advertise and sell the same as delinquent ditch lands, at the same time, place, and manner as

lands are advertised and sold for other taxes, and he shall give certificates to purchasers at such sales, as in other cases, and the owners of the lands or persons interested may redeem such lands, as in other cases, at county treasurer's office, and within same time, with ten per cent interest and cost of advertising, and twenty-five cents for the certificate, to the treasurer; and if all the lands so returned shall not be sold at public sale, those remaining may be purchased at private sale at any time, and certificates of sale given to purchasers in like manner as public sales, and may be in like manner redeemed, with interest and costs, within one year from sale. Such land so returned as delinquent shall in all cases be subject to the State, county, town, school, and highway tax, which shall be a first lien on the land. The order so drawn by the township board upon the certificate of the drain commissioners for the amount of contracts performed, services rendered, and fees of officers, shall be receivable in payment of taxes or redemption of sales at the county treasurer's office.

Certain other taxes a first lien.

Township orders receivable for said tax, etc.

(1790.) SEC. 13. The lands so sold at public or private sale, if not redeemed within one year after such sale, shall be conveyed to the purchaser or his assigns, by deed from the county treasurer, on surrender of the certificate of sale, in the same manner, as near as may be, as the Auditor General is authorized to convey other lands on sales for non-payment of taxes, and the deeds so given by the county treasurer shall have the same force and effect as if given by the Auditor General, except that the same shall be subject to all State, county, town, school, and highway taxes, and subordinate to State deeds for non-payment of taxes, and the same may be recorded and admitted in evidence in all courts with the same force and effect as tax deeds in other cases, except as aforesaid.

When and how lands sold, to be conveyed.

(1791.) SEC. 14. In cases where any proposed ditch, drain, or water-course shall be in more than one township, and a continuous ditch, drain, or water-course from one town into or through more than one township, application shall be made to the drain commissioner of each of such townships for such continuous ditch, drain, or water-course, in which case the drain commissioners of such townships, or a majority thereof, shall locate, establish, and construct such ditch, drain, or water-course, if they shall see fit, under this act, in the same manner and upon like proceedings, as near as may be, as single commissioners may or can in their respective towns, and the survey or other papers required to be filed shall be filed in the township clerk's office of each of the towns in which such ditch,

Proceedings when ditch is to be in more than one township.

drain, or water-course, or any part thereof, shall lie; but the duties of township clerks, treasurers, and supervisors, in sections ten and eleven of this act, shall only apply to apportionments on lands in their respective townships, in any case the ditch, drain, or water-course lies in one or more townships, except as to payments to persons entitled thereto, as hereinafter provided.

Powers of commissioners.

(1792.) SEC. 15. The power herein conferred upon such drain commissioners shall extend to and include deepening, widening, extending, and cleaning out any water-courses or ditches that have been heretofore, or shall be hereafter, opened in their respective towns, and they may also establish and locate at the same time as many water-courses and ditches, or partly water-courses and partly ditches, as application shall be made for, and shall seem to them best: *Provided*, That in clearing out any established drain or

Proviso.

Order directing clearing out of ditches, etc., to be posted.

water-course, the commissioner, or person acting as such, may make such orders in relation thereto as the public good requires, without petition, previous notice, or hearing; but the order directing the clearing out, the time when, and manner the work shall be done, and the persons and property to be affected thereby, shall be posted in three public places in the line or vicinity of such drain or water-course, for three successive weeks before the work is ordered to be commenced; and if such work is not wholly completed within the time so ordered, the unfinished work shall be let to the lowest bidder by said commissioner, or person acting as such, upon the like notice and with the same effect as contracts for constructing drains in the first instance, and he shall apportion the amount of such contracts, and the fees and costs of the order and its execution, or the fees and costs alone, upon the person or property interested in such work, or ordered to open the drain or water-course; and the same shall be reported, assessed, and collected in the same manner as is by this act required for assessing and collecting taxes and assessment in proceeding to lay, establish, and construct drains and water-courses in the first instance.

Work to be let to lowest bidder.

Assessments and collections for expenses of same.

Persons aggrieved may appeal to justice of the peace.

(1793.) SEC. 16. Any person or persons aggrieved by the action of said drain commissioner, or two or more commissioners acting in conjunction as contemplated by said section fourteen, in locating and establishing any ditch, drain, or water-course, or in refusing to locate and establish any ditch, drain, or water-course, or to act when applied to for that purpose, may appeal to a justice of the peace of any township where such ditch or drain, or any part thereof, is situated, within ten days after the act complained of was done or suffered, by filing with such justice his or their notice of

such appeal, with the reasons thereof, and within the same time filing with said justice an agreement in writing, with security approved by said justice, covenanting to pay all costs attending such appeal in case the action appealed from shall not be changed or reversed on such appeal. Either party may demand and have a jury for the trial of such appeal, in the same manner as juries are empaneled in justice courts.

Jury for appeal trial.

(1794.) SEC. 17. The said justice of the peace shall, on receiving such notice of and reasons for appeal, and the said agreement and security duly approved, immediately appoint a time and place for hearing such appeal, in the town or towns where the act complained of occurred, and give notice thereof, in writing, to the party appealing and the drain commissioner or commissioners appealed from; and on the day appointed, or on some day to which the hearing shall be adjourned, he shall proceed to hear and determine the appeal, and may reverse, in whole or in part, the doings of said drain commissioner or commissioners, or may make such order in the premises as may be right and lawful under this act, and send a copy thereof to such township drain commissioner or commissioners and to the party appealing; and said township drain commissioner or commissioners shall execute the same, or said justice of the peace may proceed to execute the same in the same manner and with like effect as the town commissioner or commissioners might or could do under this act, if no appeal was made; and in all cases wherein the town commissioners are interested, the justice shall act.

Proceedings by justice under such appeal.

(1795.) SEC. 18. The said drain commissioners or justice of the peace shall each receive for services rendered under this act such fees per day, for each day actually employed, as supervisors of towns are entitled to. Township clerks shall receive for services under this act such fees as they are entitled to by law when engaged about township business. Publishers shall receive the legal fee for publishing legal notices. Judges of probate shall receive fifty cents for appointment of commissioners and certificate thereof. Commissioners of appraisal shall receive one dollar and fifty cents for each day, and seventy-five cents for each half-day. Sheriffs and constables the same as in other cases of serving *venire*; juries the same as in cases before justices of the peace; laborers such fees as shall seem to such commissioner just, not to exceed one dollar and fifty cents per day; and although all such fees are to be apportioned to the lands drained and benefited by such water-course or ditch, as provided in section nine, yet the

Compensation for services under this act.

Township board to draw orders on treasurer for services and damages.

Relative to orders and collection of taxes when ditch is in more than one township.

Separate fund for ditches.

Penalties for neglect, etc., of duties.

Disposition of fine money.

township board of the township in which such water-course is established or ditch located shall draw orders in favor of each of such officers and laborers for the amount to which they are entitled, as shown by the statement of the drain commissioner filed with the township clerk. They shall likewise draw orders in favor of each person entitled to compensation on account of such water-course or ditch running across his land; also in favor of each person who has performed labor under contract from said drain commissioner, in opening a portion of such water-course or ditch, as shown by said statement, which order shall be drawn on the township treasurer of the township in which such water-course or ditch lies, and made payable by the first day of February next after the date thereof; and if such water-course or ditch lies in more than one township, then the township board of the township in which the most of such water-course or ditch lies shall draw all the orders on the township treasurer of that township, and the township treasurers of the other townships shall pay over all the money which they collect, or is paid to them, as ditch tax, or on account of such water-course or ditch, by the first day of February aforesaid, or as soon thereafter as collected or paid to them, to the township treasurer on which such orders are drawn, and the township treasurer or the township treasurers on which such orders are drawn shall, in all cases, pay such orders as fast as funds come into their hands from such ditch tax, or on account of such water-course or ditch, and not otherwise; and when such orders are presented to such treasurers after such first day of February, and they have not funds in their hands to pay them, they shall indorse the date of such presentation, after which such orders shall draw interest till paid. A separate fund shall be kept for the moneys collected for each ditch, which fund shall be applied exclusively for the construction of such ditch.

(1796.) SEC. 19. Such drain commissioners and such other officers and persons refusing, failing, or neglecting to perform any of the duties imposed by this act, shall forfeit and pay a fine of ten dollars for every such neglect, failure, or refusal, to be recovered before any justice of the peace in his township, for the benefit of drainage in said township, at the suit of any person feeling aggrieved thereby; said fine money to be paid over by the justice of the peace to the township treasurer, who shall take a receipt therefor and file it with the township clerk, who shall credit the money to such fund. No drain commissioner, justice of the peace, commissioner of appraisal, or juror, shall serve in any case wherein he is personally interested.

(1797.) SEC. 20. Whoever shall willfully obstruct any such water-
course or ditch, or injure the same, shall be liable to every person
injured for the full amount of injury occasioned by damage to or
obstruction of said ditch or water-course, and shall forfeit for every
such offense a sum not exceeding twenty-five dollars, to be recovered
before a justice of the peace of such township, for the benefit
of drainage in such township (to be paid over as provided in the
foregoing section), at suit of any person making complaint, and
shall also remove such obstruction, and in default thereof for three
days, shall be liable to an action therefor, before any justice of the
peace of the township, at the suit of the drain commissioner, to be
expended by said commissioner in removing such obstructions and
in paying fees of commissioner in superintending the same.

Penalty for ob-
structing ditch,
etc.

Disposition of
fine money.

(1798.) SEC. 21. All laws contravening the provisions of this act
are hereby repealed, except as to acts done and rights accrued
under act number thirty-nine of session laws of eighteen hundred
and sixty-nine, and former township ditch laws, which rights may
be perfected and closed under the provisions of this act, as if the
same were not repealed.

Laws repealed.

(1799.) SEC. 22. The provisions of this act shall not apply to the
county of Tuscola.

Exemptions.

(1800.) SEC. 23. The subjoined forms, or other similar, may be
used in executing this act.

SEC. 24. This act shall take immediate effect.

TITLE XIV.

THE SUPPORT OF POOR PERSONS.

- CHAPTER XLIX. The support of poor persons by their relatives.
CHAPTER L. The support of poor persons by the public.
CHAPTER LI. The relief of the families of volunteers.

CHAPTER XLIX.

THE SUPPORT OF POOR PERSONS BY THEIR RELATIVES.

Chapter thirty-seven of Revised Statutes of 1846.

Certain persons
to support poor
relations.

(1801.) SECTION 1. The father, mother, and children, being of sufficient ability, of any poor person who is blind, old, lame, impotent, or decrepit, so as to be unable to maintain himself, shall, at their own charge, relieve and maintain such poor person, in such manner as shall be approved by the directors of the poor of the township where such poor person may be.

In case of failure,
superintendents
to apply to circuit
court.

(1802.) SEC. 2. Upon the failure of any relative to relieve and maintain any such poor person, it shall be the duty of the superintendents of the poor of the county where such poor person may be, to apply to the circuit court for the county where such relative may dwell, for an order to compel such relief; of which application at least fourteen days' notice in writing shall be given, by serving the same personally, or by leaving the same at the dwelling-

place of the person to whom it may be directed, in case of his absence therefrom, with some person of sufficient age.

(1803.) SEC. 3. The court to which such application may be made, shall proceed in a summary way to hear the proofs and allegations of the parties, and shall order such of the relatives aforesaid of such poor person, as appear to be of sufficient ability, to relieve and maintain such poor person, and shall therein specify the sum which will be sufficient for the support of such poor person, to be paid weekly.

Court to make order.

(1804.) SEC. 4. The said court shall also in such orders direct the relative or relatives who shall perform that duty, in the following order: The father shall be first required to maintain such poor person, if of sufficient ability; if there be no father, or he be not of sufficient ability, then the children of such poor person; if there be no such children, or they be not of sufficient ability, then the mother, if she be able to do so.

Order in which relations are liable.

(1805.) SEC. 5. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the court may, in its discretion, direct two or more relatives of different degrees to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person, but are able to contribute something therefor, the court shall direct the sum, in proportion to their ability, which such relations shall severally pay weekly for that purpose.

Contribution, when to be ordered.

(1806.) SEC. 6. Such order may specify the time during which the relatives aforesaid shall maintain such poor person, or during which any of the said sums so directed by the court shall be paid, or it may be indefinite, or until the further order of the court; and the said court may from time to time vary such order, whenever circumstances shall require it, on the application either of any relative affected thereby, or of any superintendent of the poor, upon fourteen days' notice being given in the manner aforesaid.

Order, what to specify: may be varied in certain cases.

(1807.) SEC. 7. The costs and expenses of any application under the provisions of this chapter, shall be ascertained by the court, and paid by the relatives against whom any order may be made; and the payment thereof, and obedience to the order of maintenance, and to any order of such court for the payment of money as aforesaid, may be enforced by process of attachment from such court.

Payment of costs and expenses, etc., how enforced.

Action may be brought by superintendents in case of neglect, etc.

(1808.) SEC. 8. If any relative who shall have been required by such order to relieve or maintain any poor person, shall neglect to do so in such manner as shall be approved by the directors of the poor of the township where such poor person may be, and shall neglect to pay to the superintendents of the poor of the county, weekly, the sum prescribed by the court for the support of such poor person, the said superintendents may maintain an action against such relatives, as for moneys paid, laid out, and expended, and shall recover therein the sum so prescribed by the said court for every week the said order shall have been disobeyed, up to the time of such recovery, with costs of suit, for the use of the poor.

When superintendent to seize and take estate of persons absconding.

(1809.) SEC. 9. Whenever the father, or the mother, being a widow or living separate from her husband, shall abandon, neglect, or refuse to maintain his or her children, or a husband shall abandon, neglect, or refuse to maintain his wife, leaving any of them chargeable, or likely to become chargeable, upon the county for their support, a superintendent of the poor of the county where such wife or children may be may seize upon and take immediate possession of the goods, chattels, effects, things in action, and the lands and tenements of any such father, mother, or husband, wherever the same may be found in the said county; and the said superintendent shall make an inventory of the property so seized, a copy of which shall be left with the owner of the same, or at his or her last known place of residence, together with a notice to appear before a justice of the peace of the said county within one week after such seizure, and show cause why such seizure should not have been made. Said notice shall state the time, place, and officer before whom a hearing may be had.¹

Inventory to be made, and copy, etc., left with owner.

Notice of hearing.

When approval of inventory by justice indorsed, rights to property shall be vested in superintendents.

(1810.) SEC. 10. Upon the due proof of the facts aforesaid, the said justice of the peace shall indorse upon said inventory his approval of the proceedings, and the superintendents of the poor of said county shall then be vested with all the rights and title to the said property, things in action, and effects which the person so abandoning, neglecting, or refusing to support as aforesaid, had at the time of seizure.¹

Sales by owner after seizure, to be void.

(1811.) SEC. 11. All sales and transfers of any personal property of such father, mother, or husband, made by him or her, after such seizure by a superintendent, whether in payment of an antecedent debt, or for a new consideration, shall be absolutely void, and the superintendent of the poor having the matter in charge shall return the inventory of the property so seized, with his proceed-

¹ The sections 9, 10, 11, 12, 13, 14, as amended by Act 158 of the Laws of 1869, p. 813, approved April 5, 1869.

ings thereon, to the next circuit court for the county in which such superintendent resides.¹

(1812.) SEC. 12. The said circuit court, upon inquiry into the facts and circumstances of the case, may confirm the said seizure, or may discharge the same; and if the same be confirmed, such court may from time to time direct what part of the personal property shall be sold, and how much of the proceeds of such sale, and of the rents and profits of the real estate, if any, shall be applied towards the maintenance of the wife and children of the person so abandoning, neglecting, or refusing such support.¹

Circuit court may confirm or discharge seizure, etc.

(1813.) SEC. 13. The superintendents shall sell at public vendue, the property so ordered to be sold, and recover the rents and profits of the real estate of the person so abandoning, neglecting, or refusing maintenance as aforesaid, and shall apply the same to the maintenance of the wife and children of the person aforesaid, and for that purpose shall draw on the county treasurer therefor, and they shall account to the said county [circuit] court for all moneys so received by them, and for the application thereof, from time to time, and may be compelled by said court to render such account at any time.¹

Sale of property and application of proceeds.

(1814.) SEC. 14. Whenever a party whose property has been seized by a superintendent of the poor, shall come forward and give such security as shall be approved by two of the superintendents of the poor of such county, that the wife or children of such party shall not become, or thereafter be chargeable to the county, then the property so seized and remaining unappropriated, or the proceeds thereof, after deducting the expenses of the proceedings aforesaid, shall be restored to such party.¹

When two superintendents may restore property seized, to owner.

(1815.) SEC. 15. When any personal property, other than personal clothing, shall have been brought to the poorhouse with any pauper, and the same shall come into the hands of the superintendents of the poor, it shall be competent for the superintendents of the poor, on application to any justice of the peace of the county in which said poorhouse is situated, on proof of the facts before said justice, to obtain an order for the sale of any personal property that such pauper may own, at public auction, of all or any of such personal property, for the support of such pauper; whereupon it shall be competent for such superintendents of the poor to sell the same at public auction, giving the same notice as is required on constable's sales, and the proceeds of said sale shall

Pauper's personal property sold.

How sold.

Proceeds.

¹ The sections 9, 10, 11 12, 13, 14, as amended by Act 158 of the Laws of 1869, p. 813, approved April 5, 1869.

Right to proceeds released.

be placed by said superintendents in the treasury of the county. It shall be lawful for the person to whom said property shall belong at the time of said sale, when he shall cease to be a county charge, to apply for the payment of the proceeds thereof, to said superintendents of the poor, who are authorized to draw their order on said treasurer for so much of such amount as shall not have been expended for the maintenance of said owner or his family, and said treasurer shall pay the same to the person entitled thereto: *Provided*, That in no case shall the property of any insane pauper be sold, until the disease of such pauper shall be pronounced by the Medical Superintendent of the State Insane Asylum to be a case of incurable insanity.¹

Proviso.

Incurable insanity.

CHAPTER L.

THE SUPPORT OF POOR PERSONS BY THE PUBLIC.

An Act to revise and consolidate the several acts relating to the support and maintenance of poor persons.

[Approved April 5, 1869. Laws of 1869, p. 371.]

Poor persons, when to be maintained by county.

(1816.) SECTION 1. *The People of the State of Michigan enact*, That every poor person who is blind, old, lame, sick, or decrepit, or in any other way disabled or enfeebled, so as to be unable to maintain himself, and who shall not be relieved or maintained by his relatives, as provided in chapter thirty-seven of the Revised Statutes of eighteen hundred and forty-six, shall be maintained by the county in which he may be, according to the following provisions.

¹ Added by Act 177 of the Laws of 1867, p. 230, approved March 27, 1867.

(1817.) SEC. 2. It shall be the duty of the supervisors of each county, at their annual meeting in the year eighteen hundred and sixty-nine, to appoint three discreet electors of such county to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years; each to hold his office until another shall be appointed in his place and duly qualified; and at their annual session in each year thereafter, and they shall appoint one for the term of three years and until his successor is chosen and qualified; and such superintendent shall take the oath of office prescribed in the eighteenth article of the Constitution, and file the same with the county clerk.

Appointment of superintendents of poor.

Term of office.

Oaths.

(1818.) SEC. 3. A majority of the persons so appointed shall be at all times competent to transact business and to execute any powers vested in the board of superintendents; and they shall be allowed such sum for their actual attendance and services as the board of supervisors of the county shall deem reasonable.

Majority may transact business.

Compensation.

(1819.) SEC. 4. They shall be a corporation, by the name of the superintendents of the poor of the county for which they shall be appointed, and shall possess the usual powers of a corporation for public purposes, and they shall meet as often as the board of supervisors of the county shall direct, at the county poorhouse, if there be one, and if not, then at the place of holding the circuit court in their county, and at such other times and places as they shall deem necessary.

To be a corporation.

Powers as such.

Meetings, where held.

(1820.) SEC. 5. They shall have the general superintendence of all the poor who may be in their respective counties, and shall have power and it shall be their duty—

Powers and duties.

First. To have charge of the county poorhouse that has been or shall be erected, and to provide suitable places for the keeping of such poor, when so directed by the board of supervisors, when houses for that purpose shall not have been erected by the county; and for that purpose to rent a tenement or tenements, and land not exceeding eighty acres, and to cause the poor of the county to be maintained at such places;

To have charge of county poorhouse, etc.

Second. To ordain and establish prudential rules, regulations, and by-laws, and for the government and good order of such places so provided, and of the county poorhouses, and for the employment, relief, management, and government of the persons therein placed;

Ordain rules, etc.

Third. To employ one or more suitable persons to be keepers of such houses or places, and all necessary officers and servants; and

To employ keepers, etc.

to vest in them such powers for the government of such houses as shall be necessary, reserving to the paupers who may be placed under the care of such keepers, the right to appeal to the superintendents;

Purchase materials, etc.

Fourth. To purchase the furniture, implements, and materials that shall be necessary for the maintenance of the poor and their employment and labor, and to sell and dispose of the proceeds of such labor, as they shall deem expedient;

Prescribe rate of allowance.

Fifth. To prescribe the rate of allowance to be made to any person for bringing paupers to the county poorhouse, or place provided for the poor, which amount shall be paid by the county treasurer, on the production of a certificate signed by the chairman and countersigned by the secretary of the board of superintendents;

Commence suits

Sixth. To commence any suit wherein they may be entitled to prosecute upon any recognizance, bond, or security taken for the indemnity of any township or of the county, and prosecute the same to effect;

To draw moneys from county treasury.

Seventh. To draw, from time to time, on the county treasurer, for all necessary expenses incurred in the discharge of their duties, which draft shall be paid by him out of the moneys placed in his hands for the support of the poor;

To render annual accounts.

Eighth. To render to the board of supervisors of their county, at their annual meeting, a detailed account of all moneys received and expended by them, or under their direction, and of all their proceedings;

To pay over moneys.

Ninth. To pay over all moneys belonging to the county, remaining in their hands, to the county treasurer, within fifteen days after receiving the same.

Power of board of supervisors to purchase land and erect county poorhouse.

(1821.) SEC. 6. The board of supervisors of any county in this State in which a county poorhouse is not already erected, may, at any annual or special meeting thereof, determine to erect such a house for the reception of the poor of their county; and upon filing such determination with the clerk of the county, they may direct the superintendents of the poor of such county to purchase one or more tracts of land, not exceeding three hundred and twenty acres, and to erect thereon one or more suitable buildings for the purpose aforesaid.

Expense of purchase, etc., may be raised by tax.

(1822.) SEC. 7. To defray the expenses of such purchase and buildings, the said board of supervisors may raise by tax on the taxable real and personal property within the same county, a sum

Limit of same.

not exceeding twelve thousand dollars, in such installments and

at such times as they may judge expedient; and such tax shall be raised, assessed, and collected in the same manner as the other county charges, and shall be paid by the county treasurer, upon the order of the superintendents of the poor, to be applied for the purposes aforesaid.

(1823.) SEC. 8. When any poor person or persons shall apply for relief to a county superintendent of the poor, or to the supervisor of any township, city, or ward, the said superintendent of the poor, or supervisor, shall make immediate personal inquiry into the state and circumstances of the applicant; and if it shall appear that the person so applying is in such indigent circumstances as to require permanent relief and support, and can be safely removed, such superintendent or supervisor shall, by a written order, cause such poor person to be removed to the county poorhouse, to be received and provided for as his necessities may require.; but if it shall appear that any such poor person so applying for relief, requires but temporary or partial support, or is so sick, lame, or otherwise disabled that such person cannot be safely or conveniently removed to the poorhouse, then the superintendent or supervisor may cause provisions to be made, under his own direction, for the temporary or partial relief and support of such poor person, which support, when furnished by a supervisor, shall in no case exceed the sum of twenty dollars in any one year, unless by the consent, in writing, of a county superintendent of the poor.

How assessed and paid.

When person to be removed to county poorhouse.
5 Mich. 166.

Temporary relief to poor persons.

Limit of amount so furnished.

Persons removed to be received and relieved by keeper.

When superintendents may discharge.

Supervisor who has afforded relief shall report to superintendent.

Also to board of supervisors.

Contents of statement.

(1824.) SEC. 9. Every such person so removed shall be received by the keeper of the county poorhouse, and shall be supported and relieved therein, under the direction of the superintendents, until it shall appear to them that such person is able to maintain himself, when the said superintendents may, in their discretion, discharge him.

(1825.) SEC. 10. In all cases where relief has been afforded as provided in section eight of this chapter, said supervisor shall, within ten days, make, in writing, to the superintendent of the poor of the county, a report of his doings in every case of relief so afforded, specifying the articles furnished and the value of each item thereof, and said supervisor shall make to the board of supervisors at their annual meeting, a statement in writing, showing the number of persons to whom such temporary relief has been granted, and the names of such persons and the amount granted to each, with the peculiar items of such expenditures, and also the number of persons, with the names of each,

removed to the county poorhouse from each township by the order of the supervisor of such township, and the date of such removal.

Supervisor to receive order on county treasurer for sums paid, etc.

(1826.) SEC. 11. The supervisor of the township, city, or ward shall be entitled to receive from the superintendents of the poor, an order on the county treasurer for any sum which he may have paid out or contracted to pay, within the amount specified in section eight; but no greater sum than twenty dollars shall be so expended or paid for relief of any one person or one family, without the sanction in writing of the superintendents of the poor of the county; and such supervisor shall be entitled to a compensation of one dollar and fifty cents for each day, and at the same rate for parts of a day, actually and necessarily devoted by him to the care of such poor person.

Limiting amount to be expended.

Per diem of supervisor when caring for the poor.

Provision for support of idiots and lunatics, out of county house.

(1827.) SEC. 12. The superintendents may provide for the support of paupers that may be idiots or lunatics, out of the county poorhouse, in such place and in such manner as shall best promote the interests of the county and conduce to the comfort and recovery of such paupers.

Punishment for removing paupers from one county to another.

(1828.) SEC. 13. Any person who shall send, carry, transport, remove, or bring, or who shall cause or procure to be sent, carried, transported, removed, or brought, any poor or indigent person from any county into any other county, without legal authority, and there leave such poor person, or who shall entice such poor person so to remove, with intent to make any such county to which the removal shall be made chargeable with the support of such pauper, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not exceeding three months, or fined not exceeding one hundred dollars, or both, in the discretion of the court.

Paupers so removed, to be cared for and notice sent to superintendent of proper county.

(1829.) SEC. 14. The pauper so brought, removed, or enticed, shall be maintained and provided for by the superintendents of the poor of the county where he may be, and the said superintendents may give notice to either of the superintendents of the poor of the county from which such pauper removed, or was brought or enticed, informing them of such improper removal, and requiring them forthwith to take charge of such pauper.

Superintendent receiving notice, to pay expenses, etc., or deny allegation of removal.

(1830.) SEC. 15. The superintendents to whom such notice may be directed shall, within thirty days after the service thereof, take and remove such pauper to their county, and pay the expenses incurred in giving such notice and in maintaining such pauper from the time of his becoming a charge to the county in which he is maintained; or they shall, within the time aforesaid, notify the

superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper removal or enticing.

(1831.) SEC. 16. If the superintendents to whom a notice shall have been given, as provided in the fifteenth section of this act, shall omit to take and remove such pauper as shall neglect to notify such denial within the time aforesaid, they shall be liable for said expenses so long as such pauper shall remain a charge; and an action for such expenses may be maintained, from time to time, by and in the name of the superintendents incurring the same, or their successors in office, against the superintendents so made liable, and their successors in office.

Superintendents omitting to remove pauper or give notice of denial shall be liable for expenses.

(1832.) SEC. 17. Upon receiving any such notice of denial, as aforesaid, the superintendents upon whom the same may have been served shall, within three months thereafter, commence an action against the superintendents of the poor of the county to whom the first notice was directed, for the expenses of supporting such pauper, as for moneys paid, laid out, and expended, and shall prosecute the same to effect; and if such action be not commenced within the time aforesaid, the same shall be forever barred, and no action shall thereafter be brought for expenses incurred in supporting or maintaining such pauper.

When notice of denial is received action shall be commenced for expense of support, etc.

When action shall be barred.

(1833.) SEC. 18. No supervisor of any township, mayor or alderman of any city, prosecuting attorney of any county, county clerk, or county treasurer, shall be appointed to or hold the office of superintendent of the poor.

Who not to be superintendent.

(1834.) SEC. 19. The keeper of every poorhouse shall be exempt from all service in the militia, and from serving on juries, during the time he shall be such keeper.

Keepers exempt from militia service.

(1835.) SEC. 20. The place which shall be provided for the reception of the poor by the county superintendents, pursuant to the provisions of this act, shall in all cases be deemed to be the county poorhouse; and all the provisions of this act, applicable to county poorhouses, shall extend and apply to such places.

What places to be deemed poor-houses.

(1836.) SEC. 21. Whenever there shall be in any county ten or more paupers over five and under eighteen years of age, the superintendents of the poor of such county shall cause the same to be taught and educated in an apartment of the county poorhouse, to be fitted up for that purpose, if it shall be convenient, and if not, then in some building or apartment to be provided by them for that purpose; and there shall be taught in such school the branches usually taught in the primary schools of this State; and the super-

Education of pauper children.

What branches to be taught.

intendents are required to provide for the education of such paupers for at least one-half of the time they shall be under their charge, and the expense thereof shall be paid in the same manner as other contingent expenses are paid for the support of such paupers: *Provided*, That when the number of such persons shall be less than ten, then the said superintendents shall make such provision for their education as to them shall seem just and proper.

(1837.) SEC. 22. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this State, into any county within it, with intent to make such county chargeable with the support of such paupers, shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of the county into which such pauper shall be brought, or in which the offender may be; and shall also be obliged to convey such pauper out of the State, or support him at his own expense.

(1838.) SEC. 23. It shall be lawful for the justice or court before whom such person shall be convicted for a violation of the provisions of the preceding section, to require of such person satisfactory security that he will, within a reasonable time, to be named by the justice or court, transport such person out of the State, or indemnify such county for all charges and expenses which may have been or may be incurred in the support of such pauper; and if such person shall neglect or refuse to give such security when required, it shall be the duty of the justice or court to commit him to the county jail for a term not exceeding three months.

(1839.) SEC. 24. All moneys which shall be collected by any superintendent, or by the supervisor of any township, city, or ward, or received by any of them on any bond or other security given for the benefit or indemnity of any county, or of any township, city, or ward, and all other moneys which shall be received by such superintendent or supervisor for the benefit of the poor, shall be by them paid over, within fifteen days after the receipt of the same, to the county treasurer; and if not so paid, the same may be recovered in an action as for money had and received, to be brought by and in the name of the county treasurer, with interest, at the rate of ten per cent, from the time the same shall [should] have been paid over.

(1840.) SEC. 25. Every superintendent who shall neglect or refuse so to render an account or statement, or to pay over any moneys as required in this act, shall forfeit the sum of two hundred and fifty dollars, and shall also be liable to an action by and

in the name of the county treasurer, as for moneys had and received, for all moneys which may be in his hands after the expiration of his term of office, with interest thereon from the time when the same ought to have been paid over.

(1841.) SEC. 26. The superintendents of the poor in each county shall present to the board of supervisors at their annual meeting in each year, an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and the said supervisors shall cause such sum as they may deem necessary for that purpose to be assessed, levied, and collected in the same manner as the other contingent expenses of the county, to be paid to the county treasurer, and by him to be kept as a separate fund, distinct from the other funds of the county.

*Estimate for
yearly expenses.*

*Collection of
same.*

(1842.) SEC. 27. The accounts of the supervisors and of justices of the peace, for any personal or official services rendered by them in relation to the poor, shall be audited and settled by the superintendents, and be paid on their order by the county treasurer; but no allowance shall be made to any officer for attending any board with accounts, for the purpose of having the same audited or paid.

*Accounts of su-
pervisors and
justices, how au-
dited and paid.*

(1843.) SEC. 28. It shall be the duty of the superintendent of the poor of each county, on the thirtieth day of September in each year, to report to the Secretary of State, in such form as such Secretary shall direct, the condition of such poorhouse during the preceding year; which report shall contain a statement of the number of paupers, insane, idiots, blind, mutes, the number of each class under sixteen years of age, and the average number of each class maintained during the preceding year; also, the cost of supporting such persons in the poorhouse, the salary of the keeper thereof, the amount paid for medical attendants, the amount earned by the labor of paupers, the amount paid for the transportation of the poor, for repairs of buildings, for stock and tools, including all items which are not any part of the actual expenses of supporting the poor, the amount paid to the superintendents of the poor, and to supervisors and justices, the number of persons who have received temporary support outside of such poorhouse during the year, and the amount paid for their relief, the value of county farms, including buildings, stock, tools, furniture, and fixtures, the income received from the farm, and the nationality of the paupers. Such report shall also contain a statement of the general condition of the farm-house and other buildings, the manner in which pau-

*Superintendent
of poor shall
make annual re-
port to the Sec-
retary of State.*

*What statements
same shall con-
tain.*

pers are treated, how they are fed, clothed, in what manner such persons are cared for; how the insane and idiots are kept, and what are their treatment and accommodations; how the pauper children are educated; what the facilities are for bathing, heating, and ventilation, and to include all other information necessary to give a complete account of the condition of such poorhouse.¹

Liability of
superintendent
for neglect to
report.

Secretary of
State to give
notice to prose-
cuting attorney
of such neglect.

Secretary of
State to report
to Legislature.

Detroit ex-
empted.

(1844.) SEC. 29. Any superintendent who shall neglect or refuse to make such report as aforesaid, or who shall willfully make any false report, shall forfeit one hundred dollars; and the Secretary of State shall give notice to the prosecuting attorney of the county of every such neglect or refusal, or misconduct.

(1845.) SEC. 30. The Secretary of State shall annually lay before the Legislature, during the first month of its session, an abstract of said report.

(1846.) SEC. 31. The provisions of this act shall not apply to the city of Detroit.

THE SUPPORT OF THE POOR BY TOWNSHIPS.

Where distinc-
tion between
town and county
poor is not
abolished.

(1847.) SEC. 32. In those counties in which the distinction between township and county poor shall not be abolished by the board of supervisors, the poor having a settlement in any township in such counties shall be supported at the expense of such township, and the poor not having such settlement shall be supported by the county in which they may be, as hereinbefore provided.

Who deemed
settled in town-
ships.

How minor may
gain settlement.

(1848.) SEC. 33. Every person of full age who shall have been a resident and inhabitant of any township for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such township. A minor may be emancipated from his or her father, and may gain a settlement—

First. If a female, by being married and living one year with her husband, in which case the husband's settlement shall determine that of the wife;

Second. If a male, by being married and residing separately from the family of his father;

Third. By being bound as an apprentice, and serving one year by virtue of such indentures;

Fourth. By being hired, and actually serving for one year for wages to be paid such minor.

Settlement of
paupers.

(1849.) SEC. 34. A woman of full age, by marrying, shall acquire the settlement of her husband, if he have any; and until a poor person shall have gained a settlement in his own right, his settle-

¹ As amended by Act 73 of the Laws of 1871, p. 93, approved March 31, 1871.

ment shall be deemed that of his father or mother; but no child born in any place used and occupied as a residence for the poor of the township, city, or county, shall gain any settlement merely by reason of the place of such birth; nor shall any child, born while the mother is a county pauper, gain any settlement by reason of the place of its birth; and no residence of any person as a pauper, in the county poorhouse, or place provided for the support of the poor in any township, while supported at the expense of any township or county, shall operate to give such pauper a settlement in the township where such actual residence may be had.

(1850.) SEC. 35. No person shall be removed as a pauper from any city or township to any other city or township of the same or any other county, nor from any county to any other county; but every poor person shall be supported in the township or county where he may be, as follows:

Where poor persons to be supported.

First. If he has gained a settlement in any township in such county, he shall be maintained by such township;

Second. If he has not gained a settlement in the county in which he shall become poor, sick, or infirm, he shall be supported by the superintendents of the poor, at the expense of the county;

Third. If such person be in a county where the distinction between township and county poor is abolished, he shall, in like manner, be supported at the expense of the county, and in both the cases aforesaid, proceedings for his relief shall be had as hereinbefore provided;

Fourth. If such pauper shall be in a county where the respective townships are liable to support their poor, and has gained a settlement in some other township of the same county than that in which he may then be, he shall be supported at the expense of the township where he may be; and the supervisor shall give notice in writing to the supervisor of the township to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper.

(1851.) SEC. 36. If, within ten days after the service of such notice, the supervisor to whom the same was directed shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed, such supervisors, their successors, and the township which they represent, shall be forever precluded from contesting or denying such settlement. Such supervisor may, within the time aforesaid, give notice in writing to the supervisor of the township where such pauper may be, that he will appear before the county superintendents, at a place and on a

When township forever precluded from contesting settlement.

Supervisors to give notice of appearance before superintendents.

Annual statement of receipts and expenditures at poorhouse.

(1857.) SEC. 42. In those counties in which a poorhouse shall be established, or a place provided by the superintendents for the reception of the poor, and in which the several townships shall be liable for the support of their poor therein respectively, it shall be the duty of the superintendents annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying of such expenses; and they shall apportion the said deficiency among the said several townships, in proportion to the number and expenses of the paupers belonging to the said townships, respectively, in the manner provided for in the preceding section, who shall have been supported at the county poorhouse, and shall charge said deficiencies to the townships liable therefor; which statement shall be by them delivered to the county treasurer, as before directed.¹

Apportionment of deficiency.

County treasurer shall present account to board of supervisors at annual meeting, etc.

(1858.) SEC. 43. At the annual meeting of the board of supervisors, the county treasurer shall lay before them the account so kept by him; and if it shall appear that there is a balance against any township, the said board shall add the same to the amount of taxes to be levied and collected upon such township, with the other contingent expenses thereof, together with such a sum for interest, at the rate of seven per centum per annum, as will reimburse and satisfy any advances that may be made, or that may have been made from the county treasurer for such township, which moneys, when collected, shall be paid to the county treasurer.

When supervisors to present original books, etc., to township board.

(1859.) SEC. 44. On the Tuesday next preceding the annual township meeting of every township, the supervisors of their respective townships shall lay the said original books before the township board, together with a just and true account of all moneys by them received and expended for the use of the poor, and in what manner, together with an account of the earnings of the poor persons by them employed, which account shall be verified by the oath of the supervisor, and shall be filed with the township clerk. The township board shall compare the said account with the entries in the poor-books aforesaid, and examine the vouchers in support thereof, and shall audit and settle the same, and state the balance due from such supervisor, or to them, as the case may be. No credit shall be allowed to any supervisor for moneys paid, unless it shall appear that such payment was made pursuant to a legal order.

Town board to compare accounts, etc.

When credit allowed to supervisor.

¹ As amended by Act 155 of the Laws of 1871, p. 289, approved April 15, 1871.

(1860.) SEC. 45. Every such supervisor who shall refuse or neglect to present such original books, or to exhibit such accounts to the township board, as required in the preceding section, shall forfeit the sum of two hundred and fifty dollars, to be recovered by and in the name of the treasurer of such township.

Penalty for neglect to exhibit accounts, etc.

(1861.) SEC. 46. In those counties where the respective townships are made liable for the support of their poor, it shall be the duty of the township clerk to examine, at the annual township meetings, the accounts for the support of the poor therein the preceding year, as the same shall have been allowed and passed by the township board, which accounts shall be openly and distinctly read by the clerk of the meeting; and the supervisors of their respective towns shall also present an estimate of the sum which they shall deem necessary to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year.

Duty of township clerk at annual township meeting.

Estimates by supervisor.

(1862.) SEC. 47. The inhabitants of such township shall thereupon, by a vote of a majority of the persons qualified to choose township officers, determine upon the sums of money which shall be assessed upon the said township the ensuing year for the purpose aforesaid. The sum so voted, when raised and collected, shall be paid into the township treasury, subject to the order of the township board.¹

Electors to determine amount to be assessed for support of poor.

(1863.) SEC. 48. The accounts of such supervisors and justices of the peace, for any personal or official services rendered by them in relation to the poor, except county paupers, shall be audited and settled by the township boards of their respective townships, and the sums so audited and allowed shall be paid by the township treasurer. No allowance for time or services shall be made to any officer for attending any board with any accounts, for the purpose of having the same audited or paid.¹

Relative to payment for services of supervisors and justices.

(1864.) SEC. 49. Whenever it shall be made to appear to the satisfaction of any supervisor, either upon complaint or otherwise, that a penalty has been incurred by the violation of any provisions of the laws of this State, which such supervisor is required by law to collect, it shall be his duty immediately to commence a suit for such penalty, and to prosecute the same diligently to effect.

Duty of supervisor relative to suits for recovery of penalties.

(1865.) SEC. 50. In auditing the accounts of any supervisor, by the proper township board, allowance shall be made to such supervisor for all costs to which he may have been subjected, or which

Allowance of certain costs to supervisor.

¹ Vide note to section 41 of this act.

may have been recovered against him, in any suit brought by him pursuant to law ; and he shall also be allowed the same daily [pay] for attending to any such suit, as is allowed him for the performance of his official duties.

Credit for such allowances, etc.

(1866.) SEC. 51. Such allowances may be credited to them, in their accounts for moneys collected for penalties, and may be deducted from such moneys ; and the balance of such penalties shall be paid over to the township or county treasurer, as directed by law, in respect to such penalties.

Annual report by supervisors of number relieved and expense.

(1867.) SEC. 52. It shall be the duty of the supervisors of such townships which make their poor a township charge, on or before the first day of April in each year, to report to the township board of their respective townships, in such form as they shall direct, the number of paupers that have been relieved or supported in such township the preceding year, and the whole expense of such support.¹

Penalty for neglect to report, etc.

(1868.) SEC. 53. Any supervisor who shall neglect or refuse to make such report, or who shall willfully make any false report, shall be guilty of a misdemeanor, and on conviction thereof be subject to a fine of not exceeding one thousand dollars, to be recovered by the prosecuting attorney of the county, in the name of the people of this State, and to be paid into the township treasury.¹

Power of board of supervisors.

(1869.) SEC. 54. At any annual meeting of the board of supervisors of any county, they may, by a two-thirds vote, restore or abolish the distinction between town and county poor.

Acts repealed.

(1870.) SEC. 55. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

¹ Vide note to section 41 of this act.

CHAPTER LI.

RELIEF OF THE FAMILIES OF VOLUNTEERS.

An Act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States or of this State.

[*Approved May 10, 1861. Laws of 1861, p. 602.*]

(1871.) SECTION 1. It shall be the duty of the board of supervisors of each organized county, at their sessions to be held in the month of June, in the year eighteen hundred and sixty-one, and at each subsequent session, whenever necessary, to make adequate provision for all requisite relief and support of the families of the non-commissioned officers, musicians, and privates enlisted or drafted from their counties, or as substitutes for persons so drafted and mustered into the military or naval service of the United States or of this State, and for such purposes the said boards of supervisors are severally authorized to borrow money, at a rate of interest not exceeding ten per centum per annum, and to issue bonds, or other securities, for the sums borrowed, payable at some time therein to be mentioned, not exceeding three years from the date thereof, and to assess, levy, and collect taxes upon all the real and personal property of said counties, not exempt from taxation, sufficient to pay such moneys borrowed and to provide the relief hereby authorized: *Provided*, That the family of no person so drafted and furnishing a substitute shall receive any relief under the provisions of this act.¹

Board of supervisors to provide relief.

Authorized to borrow money.

Proviso.

¹ As amended by Act 173 of the Laws of 1863, p. 817, approved March 20, 1863.

- Volunteer family relief fund.** (1872.) SEC. 2. It shall be the duty of the board of supervisors of any county, at the first regular or special meeting held after this act shall take effect, to establish a separate fund, into which the moneys so borrowed, or collected by tax, shall be paid, and be lawful for them to direct the transfer of any moneys in the treasury not otherwise appropriated, at any time, to such fund. Whenever such separate fund shall have been established, it shall be known as the "Volunteers' family relief fund," and all orders thereafter drawn, shall be drawn payable out of such fund.¹
- Officials authorized to relieve soldiers' families.** (1873.) SEC. 3. It shall be the duty of the supervisor of each township, and each supervisor, alderman, or other officer representing any city or ward upon the board of supervisors of his county, from time to time, to afford such temporary relief as may be necessary for the support of such family, not exceeding fifteen dollars per month to any one family, and not exceeding, in any case, to any family or person, the actual sum necessary, in connection with his, her, or their other means of support, to relieve such family or person, which support shall be afforded only in the manner prescribed by this act, and in no greater sum than shall be necessary to afford the necessary relief. In case of the decease of any non-commissioned officer, musician, or private, while in the service of the United States or of this State, his family shall be entitled for two years, and no longer, after his decease, to the same measure of relief as his family would be entitled to receive if he had not deceased: *Provided*, That if the widow or minor children of such deceased person be entitled to receive the pension allowed to widows and children of deceased soldiers, under acts of Congress passed previous to July first, one thousand eight hundred and sixty-six, shall not have received the same, then said family shall be entitled to relief for three years from his decease, unless said pension is sooner obtained.²
- Amount limited.**
- Relief to families of privates and others.**
- Proviso.**
- Duty of supervisors before affording relief.** (1874.) SEC. 4. It shall be the duty of the supervisor or other officer, before giving any order for such relief, to ascertain and report to the county treasurer of his county, in writing, the following particulars in reference to the person and family seeking relief:

First. The name, rank, company, and regiment, and time, as near as may be, of enlisting into the military service, of the officer or soldier on whom the family or persons seeking relief are depend-

¹ As amended by Act 14 of the Laws of 1862, p. 14, approved January 17, 1862.

² As amended by Act 94 of the Laws of 1867, p. 117, approved March 23, 1867.

ent for support, and his place of residence at the time of his enlistment;

Second. The name and age of the person, for the time being remaining the head of the family, and his or her residence;

Third. The name and age of each member of the family for whom relief is sought;

Fourth. The amount received from, and the provisions made by, the soldier for or toward the support of his family and those dependent on him;

Fifth. The measure of relief that the particular family or persons, in his opinion, require per week or month.

The person seeking such relief, and any member of the family of years of discretion, shall answer all questions and give all information to the supervisor or other officer, touching the matters aforesaid, and all other things touching his, her, or their means of support, circumstances and necessities, which answer shall be given on oath, when required by the supervisor or other officer affording relief, which oath said supervisor or officer is hereby authorized to administer; and in case the board of supervisors of any county shall so direct, said oath shall be administered in all cases of application for relief as aforesaid; and any false statement, or untruthful representation, or withholding information sought and inquired after by such supervisor or other officer, at any time, intended to deceive such officer, or procure a larger measure of relief than otherwise would be afforded, shall forfeit by such person or family all further relief under this act; and the supervisor or other officer may incorporate in the same report such information and particulars of one or more families, and shall from time to time re-inquire and report in reference to any family or persons, and change the measure of relief, as his, her, or their circumstances and necessities may seem to require.¹

When required, applicants to answer certain questions under oath.

Penalty for false statement of applicant.

(1875.) SEC. 5. All reports shall be signed by the supervisor, or other officer or person making the same, and shall contain, as far as he has been able to ascertain, the material facts and circumstances tending to show the measure of relief required by such family or persons. All such reports shall be indorsed by the county treasurer, with the date of receiving the same, and be filed and preserved in his office; and such county treasurer shall procure, at the expense of his county, a book, in which he shall register the names of every person so reported to him, and the amount of relief stated by such report as required for each family, and noting

Reports, how made.

Duty of county treasurer.

¹ Vide note to section 2.

from time to time, any changes shown by further report in reference to that particular family; and the county treasurer shall pay no order drawn or given under this act, unless the family or person in whose behalf the same is given shall have been first reported to him, as aforesaid.¹

Orders for relief to be given upon the county treasurer.

(1876.) SEC. 6. Such supervisor or other officer, for the purpose of carrying out the objects contemplated in this act, may give orders upon the county treasurer of his county, payable only to the person, or order, who is for the time being the head of the family to whom relief is afforded, but in no case to a greater amount than fifteen dollars per month, nor in any case for a greater sum per month than shall be actually necessary, taking into consideration the number, and pecuniary and other circumstances of the person or persons relieved, which orders shall be paid out of any moneys appropriated for that purpose.²

How paid.

Rules and regulations relative to the relief of families.

(1877.) SEC. 7. The board of supervisors are hereby authorized to adopt and enforce such rules and regulations, not inconsistent with the provisions of this act, as shall secure prompt relief to families and persons, and may modify the amount of relief from time to time afforded, by any supervisor or other officer, to any family or persons, as in their judgment the particular case may require, and as shall be just; and every supervisor and other officer shall be governed thereafter by such modification in the amount of relief or otherwise, and shall give no orders contrary to the terms of any such modification, nor shall the county treasurer pay a greater amount of orders drawn by any such supervisor or officer than that fixed at any time by the board of supervisors.³

Relief independent of that afforded poor persons.

(1878.) SEC. 8. The relief hereby authorized to be afforded shall be and remain separate from, and independent of, the relief, temporary or otherwise, afforded to poor persons under existing laws.²

Persons entitled to relief.

(1879.) SEC. 9. This act shall be construed to authorize the relief of the families of all volunteer non-commissioned officers, musicians, and privates, enlisted from this State, and actually mustered into the military or naval service of the United States.²

Common council to appoint a person to afford temporary relief, etc.

(1880.) SEC. 10. The common council of the city of Detroit shall appoint, on the recommendation of the mayor of said city, some suitable person, whose duty it shall be to afford such temporary relief as may be necessary for the support of such families as shall be entitled to relief under and by virtue of this act, or the act

¹ Vide note to section 1.

² Vide note to section 9 of this act.

to which this is amendatory, in said city, not exceeding the sum of fifteen dollars per month, and not exceeding to any family or person the actual sum necessary, with his, her, or their other means of support, to relieve such family or person; and said person so appointed shall discharge all the duties of all the aldermen of said city enjoined by this act, or the act to which this is amendatory, and in accordance with the rules specified therein; and such person may give orders upon the county treasurer of his county, payable only to the person, or order, who is for the time being the head of the family to whom relief is afforded. Such person so appointed shall be entitled to such compensation for his services as shall be determined by the supervisors of his county, to be audited, allowed, and paid as other accounts against said county.¹

(1881.) SEC. 11. The person so appointed shall hold his office for one year, and the term of his office shall expire and commence on the first Tuesday of May in each year. Before entering upon the duties of his office, such person shall execute a bond with, good and sufficient sureties, to be approved by the common council, as required by section twenty-eight, chapter two, of the revised charter of the city of Detroit; and the common council shall from time to time require such additional bonds and sureties as they may deem proper, and any failure to make and execute such bonds, shall vacate said office.²

Joint Resolution relative to the relief of the families of volunteers mustered from this State into the military or naval service of the United States or of this State, and declaratory of the meaning of act number one hundred and seventy-three of the Session Laws of eighteen hundred and sixty-three, passed for that purpose.

[Approved February 5, 1864. Laws of 1864, p. 142.]

(1882.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That act number one hundred and seventy-three of the Session Laws of eighteen hundred and sixty-three, entitled "An act to amend an act to amend an act entitled 'An act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States or of this State,' approved May fourth, eighteen hundred and sixty-one, and to add certain sections thereto," approved January seventeenth, eighteen hundred and sixty-two, was intended and is hereby declared to make it the duty of the

¹ As added by Act 161 of the Laws of 1863, p. 295, approved and took effect March 19, 1863.

² As added by Act 134 of the Laws of 1863, p. 815, approved and took effect March 15, 1865.

board of supervisors of each organized county to make adequate provision for all requisite relief and support of the families within this State, of non-commissioned officers, musicians, and privates, enlisted or drafted from their counties, respectively, or substitutes for persons so drafted and mustered into the military or naval service of the United States or of this State, whether such families reside within the county where such enlistment was made and to which such soldier is credited, or not; but said act was not intended and shall not be construed to require or authorize the board of supervisors of any county, or any member thereof, to apply any part of the family relief fund of such county, or furnish relief to the family of any soldier credited by the military authorities to any other county or sub-district, or who belongs to any regiment or battery from any other State; and it shall be the duty of the supervisor of each township to furnish relief to the families of volunteers who are credited to such township: *Provided*, The families resided in this State at the time of the enlistment of the volunteer, and are in circumstances entitling them to relief under the provisions of the act aforesaid.

TITLE XV.

ASYLUMS.

CHAPTER LII.

THE DEAF, DUMB, BLIND, AND INSANE, AND ASYLUMS THEREFOR.

Joint Resolution relative to statistical information of the insane, deaf, dumb, and blind.

[Approved April 3, 1848. Laws of 1848, p. 463.]

(1883.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the assessors of each township and ward in the State, at the time of making out their assessment rolls, to ascertain and set down, in tables prepared for that purpose, a list of the names, of all insane, deaf, dumb, and blind persons in said township and ward under separate heading; the patient's age, general health, habits, and occupation; kind, degree, and duration of such affliction; sex; whether married or single; whether under medical treatment; pecuniary ability of patient and relatives liable for his or her support, and such further information relative to this unfortunate class of our citizens as may be deemed useful. They shall cause said list, together with all the facts brought down to the first of October, to be delivered to the supervisors of their respective townships or wards, whose duty it shall be to cause the same to be delivered to the county clerk at the annual meeting of the board of supervisors, to be laid before them in each year, which board shall carefully condense the facts exhibited, and transmit the same to the Secretary

Township and ward assessors to collect and transmit to Secretary of State statistics relative to insane, deaf, dumb, and blind persons.

of State, on or before the first day of November in each year, and the Secretary of State is hereby required to make a report of the same to the next Legislature at the commencement of the session.

This resolution shall take effect and be in force from and after its passage.

An Act to establish an Asylum for the Deaf and Dumb and the Blind, and also an Asylum for the Insane of the State of Michigan.

[Approved April 2, 1843. *Laws of 1843, p. 246.*]

Appropriation of
saline lands for
Asylum for Deaf
and Dumb.

(1884.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be established in this State, institutions under the title and style of the "Michigan Asylum for the Educating the Deaf and Dumb and the Blind,"¹ and "Michigan Asylum for the Insane," and that fifteen sections of the State salt-spring lands be and is hereby appropriated for the erection of suitable buildings therefor.²

Trustees of asy-
lums.

(1885.) SEC. 2. The government of said asylums shall be vested in a Board of Trustees, to consist of five members, who shall be elected annually by the Legislature of this State in joint convention:³ *Provided,* The Governor shall have the authority to appoint the first Trustee under this act.

Trustees to be
body corporate.

(1886.) SEC. 3. The Trustees authorized pursuant to the foregoing section, shall constitute a body corporate with the name and title of the "Trustees of the Michigan Asylums," with the right as such of suing and being sued, of making and using a common seal, and altering the same at pleasure.

Meeting of Trus-
tees, and elec-
tion of treasurer
and clerk.

(1887.) SEC. 4. It shall be the duty of the above-named Trustees to meet at such time and place as the Governor shall appoint, and elect of their own body a treasurer and clerk, who shall hold their offices one year and until their successors are chosen and qualified.

Subsequent
meetings.

(1888.) SEC. 5. Said Trustees shall meet once in every three months, on their own adjournments, or oftener if they deem it advisable; have power to pass such by-laws and adopt such rules and regulations for the management and control of the institution as they may deem just and right.

By-laws and
rules.

Government of
asylums.

(1889.) SEC. 6. The Trustees shall have power, and it shall be their duty, to enact laws for the government of said Asylums, and also to appoint a principal for each institution, whose respective

¹ See section 1953 following.

² As amended by Act 132 of 1849. *Laws of 1849, p. 139.*

³ For a change in the mode of election and other radical changes, see the act of February 9, 1857, following.

salaries shall not exceed eight hundred dollars per annum, and who shall nominate, for the action of the Board of Trustees, all necessary subordinate officers, who may be dismissed by said respective principals for inefficiency or misconduct; but in case of every removal a detailed statement of the causes shall be reported to the Board of Trustees by the principal making the removal.

Principal and other officers of institution.

(1890.) SEC. 7. Tuition and board shall be free to all candidates from this State; but the Trustees may admit applicants from any other State, and may fix the compensation to be paid by the parents or guardians of such applicant: *Provided*, That the same shall be sufficient to cover all their necessary expenses.¹

Tuition and board in asylums.

Proviso.

(1891.) SEC. 8. The board of trustees shall make out, annually, and report to the Legislature a detailed statement of the operations of said institution.

Annual report of trustees.

(1892.) SEC. 9. The expenses necessarily incurred by such Trustees in the discharge of their duties, shall be reimbursed to them, to be paid as the other expenses of the institution.

Expenses of trustees to be reimbursed.

(1893.) SEC. 10. Said board, when organized, is hereby authorized to receive proposals for donations of lands, money, or other materials for the location and building of such asylums, and upon receiving a title of any lands, or the delivery of any money, materials, bonds, or other security for such purpose, to and in behalf of the State for the benefit of such asylums, they shall have power, and it shall be their duty to select and designate some suitable location or locations for the site of said asylums, and file a description thereof in the office of the Secretary of State.²

Powers of board to receive donations and select site for asylums.

(1894.) SEC. 11. It shall be the duty of the Commissioner of the State Land Office to make immediate selections of the lands appropriated by this act, and keep on file, in his office, a list of the same, which lands shall thereupon be under the control of the Board of Trustees, who shall have power to order the sale of the same, or portions of the same, from time to time, under the supervision of the Commissioner of the State Land Office, as they may deem proper and for the best interest of the State, and the proceeds of the same, when paid into the State Treasury, shall be passed to the credit of a fund to be called the "Asylum fund."³

Lands donated, to be under control of Trustees; proceeds of sale to constitute asylum fund.

(1895.) SEC. 12. The Board of Trustees shall appoint one of their number as acting commissioner, whose duty it shall be to take charge of, direct and superintend the erection of the neces-

One of trustees to be appointed building commissioner.

¹ As amended by Act 106 of 1855, p. 241, section 6.

² As amended by Act 245 of 1849, p. 827.

³ As amended by Act 188 of 1849, p. 137.

Trustees to
make annual
report of re-
ceipts and ex-
penditures.

sary buildings, under the direction of the Board of Trustees, whenever the proceeds of said lands, paid in the State Treasury, shall be deemed sufficient by the Governor and Trustees for the erection of a suitable building for an Asylum of the Insane, shall be realized, or means derived for that purpose from other sources, by donation, bequest, or otherwise; and said Board of Trustees are hereby required to report annually to the Governor of the State, on or before the first day of December, a full statement of their action in the premises, and a correct statement of the receipts and expenditures of the asylum fund, verified by the oath or affirmation of the Commissioner of the board.¹

Treasurer of
board to give
bond and receive
moneys.

(1896.) SEC. 13. The proceeds of the lands and all other moneys shall be paid to the treasurer authorized by this act, who may be required to give bonds, with sureties to be approved by the board, and filed with the Auditor General of the State; and all necessary expenses incurred in carrying out the provisions of this act, shall be paid therefrom on a warrant drawn by the clerk, and approved by the chairman or president of the board.

SEC. 14. This act shall take effect and be in force from and after its passage.

An Act relative to compensation to the Trustees of Michigan asylums, and the members of the Board of Education.

[Approved February 19, 1850. Laws of 1850, p. 50.]

Auditor General
to audit and al-
low expenses
and for services
of board.

(1897.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be and he is hereby authorized and required to audit and allow to the members of the Board of Trustees of the Michigan Asylums, and to the members of the Board of Education, the expenses necessarily incurred by them in the discharge of their duties; also, two dollars per day for their services actually and necessarily performed, upon their certifying the same to be correct, and draw his warrant upon the Treasury therefor. And it shall be the duty of the State Treasurer to pay said warrants out of any moneys not otherwise appropriated, and charge the same to the asylum fund and to the Normal School endowment fund, respectively.

SEC. 2. This act shall take effect and be in force from and after its passage.

¹ As amended by Act 138 of 1849, p. 137.

An Act to amend an act entitled "AN ACT TO AMEND THE ACTS RELATIVE TO THE DUMB AND BLIND, AND ALSO AN ASYLUM FOR THE DUMB AND BLIND," and to amend the act amendatory thereto.

[Approved April 2, 1898.]

(1898.) SECTION 1. *Be it enacted* by the representatives of the State of Michigan, That no salt-spring lands, or *asmuch* as may be, shall be appropriated for the erection of suitable buildings and maintenance of the "Michigan Asylum for the Deaf and Dumb and the Blind and Insane."

(1899.) SEC. 2. It shall be the duty of the Trustees of the Michigan Asylum to prepare a list of the same in the State of Michigan, thereupon be under the control of the Trustees, and be disposed of in the manner provided by law, one hundred and thirty-nine acres, more or less, and forty-nine.

SEC. 3.¹

SEC. 4.²

(1900.) SEC. 5. The *proceeds* of the sale of the benefit of the asylum *full* of five thousand dollars, and five thousand dollars, the credit of the general fund, appropriated by this act.

Vacancies, how filled.

(1901.) SEC. 6. So *much* of the provisions of this act *as may be*.

be Power of Governor to fill vacancies.

SEC. 7. This act *shall* take effect from its passage.

Person
until
they shall

AL A . .

[Approved . . .]

Asylum for Powers and duties of Boards of Trustees.

as full and
and the said
shall have like

SECTION 1, 2, 3, 4.
(1902.) SEC. 5. *That* the sum of five thousand dollars, the *same*.

effect.

¹ Temporary. It *shall* be.

² Makes a temporary *provision*.

³ Make an appropriation.

fund, until the amount herein appropriated shall be reimbursed thereby.

Authority of board to convey certain lands.

(1903.) SEC. 6. Said board are hereby authorized to sell and to convey by deeds to be executed by the president of the board, in such portions as they may deem for the best interests of the State, the ten acres donated for the site of the Insane Asylum at Kalamazoo, and to locate the same on the one hundred and sixty acres purchased therefor, which location is hereby confirmed as the site for said Asylum: *Provided*, The State shall not be liable for, or pay any damages arising from, said change or sale or giving said deeds.

Proviso.

SEC. 7.¹

SEC. 8.²

SEC. 2. [9.] This act shall take effect immediately.

An Act making appropriations in aid of the Michigan asylums.

[Approved February 12, 1855. *Laws of 1855, p. 239.*]

SECTION 1, 2, 3.³

Salaries of the principals of asylums and of subordinate officers.

(1904.) SEC. 4. The trustees shall have power to increase the salaries of the principals of the asylums, whenever, in their opinion, the interests of those institutions shall demand it, beyond the limitation fixed by the act of April third, eighteen hundred and forty-eight: *Provided*, The salary of each of said principals shall not exceed eighteen hundred dollars per annum. They shall also have power to fix salaries of the subordinate officers: *Provided*, The amounts so paid shall not exceed such reasonable compensation as is paid for the like services in similar institutions.

Proviso.

Proviso.

SEC. 5.⁴

SEC. 6.⁵

This act shall take effect immediately.

An Act to provide for the election of a Board of Trustees for each of the Michigan asylums.

[Approved February 9, 1857. *Laws of 1857, p. 185.*]

Appointment of Trustees for Asylum for Deaf, Dumb, and Blind, and their term of office.

(1905.) SECTION 1. *The People of the State of Michigan enact*, That the Governor, by and with the advice and consent of the Senate and House of Representatives, in joint convention assem-

¹ Related to term of office of the members of the board, and is superseded.

² Temporary.

³ Appropriate \$100,000 for building, and specify the mode of expenditure.

⁴ Temporary.

⁵ Amends section 7 of the act of April 3, 1849, as given above.

bled, shall, during the session of the Legislature in the year eighteen hundred and fifty-seven, appoint three Trustees of the Michigan Asylum for the Deaf, Dumb, and Blind, to hold their offices as follows, to wit: One shall be elected for the term of six years, one shall be elected for the term of four years, and one for the term of two years, whose term of office shall commence on the second Tuesday of February, of the year in which they are elected, and shall continue until their successors are appointed and qualified, and who shall constitute the Board of Trustees of the said asylum; and at each succeeding session of the Legislature there shall be appointed in like manner one Trustee, who shall hold his office six years and until his successor is appointed and qualified. The Legislature shall also fill, by election as aforesaid, all vacancies that may occur in said board.

Vacancies, how filled.

(1906.) SEC. 2. There shall also be appointed, as provided in the foregoing section, three Trustees of the Michigan Asylum for the Insane; one shall be appointed for the term of six years, one for the term of four years, and one for the term of two years, whose term of office shall commence on the second Tuesday of February, of the year in which they are appointed, and continue until their successors are appointed and qualified, who shall constitute the Board of Trustees of said asylum; and at each succeeding session of the Legislature thereafter, there shall be appointed in like manner one Trustee, who shall hold his office six years and until his successor is appointed and qualified; and the Legislature shall fill, by appointment as aforesaid, all vacancies that may occur in said board.

Appointment of Trustees for Insane Asylum, and their term of office.

Vacancies, how filled.

(1907.) SEC. 3. The Governor shall have power, and it shall be his duty, whenever any vacancy shall occur in either of said boards, by death, removal, or otherwise, to appoint some suitable person or persons to fill such vacancy, who shall hold their office until the next session of the Legislature and until such vacancy shall be filled by the Legislature.

Power of Governor to fill vacancies.

(1908.) SEC. 4. The said Board of Trustees of the Asylum for the Deaf, Dumb, and Blind, shall have the sole and exclusive control and management of said asylum and its affairs, in as full and ample manner as the existing Board of Trustees; and the said Board of Trustees of the Asylum for the Insane shall have like control of said asylum and all its affairs.¹

Powers and duties of Boards of Trustees.

SEC. 5. This act is ordered to take immediate effect.

¹ See section 1912 following.

An Act making appropriations in aid of the Asylum for the Deaf and Dumb and Blind, at Flint.

[Approved February 12, 1857. Took effect May 19, 1857. Laws of 1857, p. 216.]

SEC. 1.¹

SEC. 2.¹

SEC. 3.¹

SEC. 4.¹

SEC. 5.¹

Assistance to be furnished in certain cases.

How paid.

Amount paid charged to counties.

Repeal of contravening acts.

(1909.) SEC. 6. In cases where persons, residents of this State, who are deaf and dumb, or blind, but who, on account of their poverty, are unable to furnish themselves with suitable clothing and other necessary expenses for attending school at the Asylum for the Deaf and Dumb and the Blind, the Board of Trustees shall have discretionary power to render them such assistance, not exceeding forty dollars per annum for each person, and for that purpose may issue a certificate, directed to the Auditor General, that such amount is necessary for the benefit of such individuals, who shall draw his warrant upon the State Treasurer therefor; and any such sums are hereby appropriated and shall be paid out of any moneys in the general fund not otherwise appropriated, and the Auditor General shall charge all such moneys as drawn, to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund as any State taxes are required to be by law.²

(1910.) SEC. 7. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

An Act to organize the Michigan Asylum for the Insane, and more effectually to provide for the care, maintenance, and recovery of the insane.

[Approved February 14, 1859. Laws of 1859, p. 450.]

Three additional Trustees.

Term of office.

(1911.) SECTION 1. *The People of the State of Michigan enact,* That the Governor, by and with the advice and consent of the Senate, shall, during the session of the Legislature in the year eighteen hundred and fifty-nine, appoint three additional Trustees for the Michigan Asylum for the Insane, to hold their office as follows: One shall be elected for the term of six years, and one for the term of four years, and one for the term of two years, whose terms of office shall commence on the second Tuesday of

¹ Temporary and accomplished.

² As amended by Act 188 of the Laws of 1865, p. 318, approved and took effect March 15, 1865.

February of the year in which they are elected, and shall continue until their successors are appointed and qualified; and at each succeeding session of the Legislature, there shall be appointed in like manner two Trustees, who shall hold office six years and until their successors are appointed and qualified.

(1912.) SEC. 2. The Governor shall have power, and it shall be his duty, whenever any vacancy shall occur in said board, by death, removal, or otherwise, to appoint such suitable person or persons to fill such vacancy, who shall hold their office until the next session of the Legislature and until such vacancy shall be filled as aforesaid. The government and sole and exclusive control of the Michigan Asylum for the Insane shall be vested in said Board of Trustees, and two of them shall reside within five miles of said asylum.¹

Vacancies, how filled.

Powers of board.

(1913.) SEC. 3. Said board shall have the general direction and control of all the property and concerns of the institution not otherwise provided for by law, and shall take charge of its general interests, and see that its design be carried into effect, and everything done faithfully according to the requirements of the Legislature and the by-laws, rules, and regulations of the Asylum.

Ibid.

(1914.) SEC. 4. The Trustees shall appoint a medical superintendent, who shall be a well educated physician, experienced in the treatment of the insane, and a treasurer, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the Auditor General of the State shall approve. They shall also appoint, upon the nomination of the medical superintendent, a steward and chaplain, and also, in the same manner, an assistant physician and a matron, both of whom, and the medical superintendent himself, shall constantly reside in the Asylum.²

Trustees to appoint officers.

Bonds.

(1915.) SEC. 5. The Trustees shall from time to time determine the annual salaries and allowances of the officers, and such salaries shall not exceed in the aggregate the sum of five thousand and eight hundred dollars for any one year.³

Salaries of officials.

Aggregate amount.

(1916.) SEC. 6. The salaries of the treasurer and officers of the Asylum aforesaid shall be paid quarterly, on the first days of January, April, July, and October, in each year, by the Treasurer of the State, on the warrant of the Auditor General, out of any moneys belonging to the general fund, to the treasurer of the Asylum, on his presenting a bill of particulars signed by the steward and certified by the medical superintendent.

When and how paid.

¹ As amended by Act 45 of the Laws of 1868, p. 58, approved February 25, 1868.

² As amended by Act 120 of the Laws of 1861, p. 161, approved March 11, 1861.

³ As amended by Act 115 of the Laws of 1867, p. 151, approved March 26, 1867.

Power of board to hold lands.	(1917.) SEC. 7. The Trustees may take and hold in trust, for the State, any grant or devise of land, or any donation or bequest of money, or other personal property to be applied to the maintenance of insane persons, and the general use of the Asylum.
Oath of officers.	(1918.) SEC. 8. The treasurer and officers aforesaid, before entering upon their respective duties, shall severally take the oath prescribed by the Constitution.
General powers of Trustees.	(1919.) SEC. 9. The Trustees are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment of duties of officers, attendants, and assistants, for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner the business of the institution; also, to ordain and enforce a suitable system of rules and regulations for the internal government, discipline, and management of the Asylum.
Medical superintendent. Powers.	(1920.) SEC. 10. The medical superintendent shall be the chief executive officer of the Asylum. He shall have the general superintendence of the building, grounds, and farm, together with the furniture, fixtures, and stock; and the direction and control of all persons therein, subject to the laws and regulations established by the trustees. He shall daily ascertain the condition of all the patients, and prescribe their treatment in the manner directed in the by-laws. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws; also to appoint, with the approval of the Trustees, such and so many other assistants and attendants as he may think necessary and proper for the economical and efficient performance of the business of the Asylum, and to prescribe their several duties and places, and to affix, with the approval of the Trustees, their compensation, and to discharge any of them at his sole direction; but in every case of discharge, he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the Asylum. He shall also have the power to suspend, until the next monthly meeting of the Trustees, for good and sufficient cause, a resident officer; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to one of the Trustees, whose duty thereupon shall be to call a special meeting of the board to provide for the exigency. He shall, also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity, and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are
Treatment of patients.	
Assistants.	
Removals.	
Suspension of officers.	
General interest of the Asylum.	

employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the Asylum. He shall further cause full and fair accounts and records of all his doings, and the entire business and operations of the institution, to be kept regularly from day to day in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of November immediately preceding the meeting of the Legislature, and that the principal facts and results, with his report thereon, be at that time presented to the trustees. The assistant physician shall perform the duties and be subject to the responsibilities of the medical superintendent, in his sickness or absence.

Annual report
to Trustees.

(1921.) SEC. 11. The officers of the Michigan Asylum for the Insane, and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, from all assessment for labor on the highways, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment.

Exemption.

(1922.) SEC. 12. The Trustees shall keep, in a bound book to be provided for that purpose, a fair and full record of all their doings, which shall be open at all times to the inspection of the Governor of the State, and of all persons whom he, or either house of the Legislature, may appoint to examine the same.

Record of
doings.

(1923.) SEC. 13. The Trustees shall maintain an effective inspection of the Asylum, a committee for which purpose shall visit it once every month, a majority once every quarter, and the whole board once a year, at the times and in the manner prescribed in the by-laws. In a book kept by the Board of Trustees for this purpose, the visiting Trustee or Trustees shall note the date of each visit, the condition of the house, patients, etc., with remarks of commendation or censure, and all the Trustees present shall sign the same. The general result of these inspections, with suitable hints, shall be inserted in the annual report, detailing the past year's operations and actual state of the Asylum, which the board shall make to the Legislature in the month of January, in each alternate year, accompanied with the reports of the medical superintendent and treasurer.

Inspection of
Asylum.

General result
inserted in an-
nual report.

(1924.) SEC. 14. It shall be the duty of the medical superintendent to admit any of the Board of Trustees into every part of the

Board to have
access to books,
papers, etc.

Asylum, and to exhibit to him or them, on demand, all the books, papers, and accounts, and writings, belonging to the institution, or pertaining to its business, management, discipline, or government, also to furnish copies, abstracts, and reports, whenever required by the board.

Treasurer.

**Moneys, how
disbursed.**

**Treasurer to
keep accounts.**

**Annual state-
ment.**

**Quarterly state-
ment.**

**Powers of
treasurer.**

(1925.) SEC. 15. The treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the Asylum. Said moneys shall be disbursed only for the uses of the Asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, countersigned by the medical superintendent, specifying the object of the payment. He shall keep full and accurate accounts of the receipts and payments, in the manner directed in the by-laws, and such other accounts as the Board of Trustees shall prescribe. He shall balance all the accounts on his books annually, on the last day of November, and make a statement of the balance thereon, and an abstract of the receipts and payments of the past year, which he shall, within three days, deliver to the auditing committee of the Board of Trustees, who shall compare the same with his books and vouchers, and verify the results by a further comparison with the books of the steward, and certify the correctness thereof within the next five days, to the Board of Trustees. He shall further render a quarterly statement of his receipts and payments, on the first days of March, June, and September, in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results, duly certified, to the board, who shall cause the same to be recorded in one of the books of the Asylum. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the Board of Trustees.

(1926.) SEC. 16. The treasurer of the Michigan Asylum for the Insane shall be vested with the same powers, rights, and authority, which are now by law given to superintendents of the poor in any county or town of the State, so far as may be necessary for the indemnity or benefit of the Asylum, and for determining the settlement of any insane person that may be sent to the Asylum by an order of a judge of probate, and also for the purpose of compelling a relative or committee to defray the expenses of a lunatic's support in the Asylum, and re-imburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also for coercing the payment of similar charges when due, according to said by-laws, from any town,

city, or county, that is liable for the support of any lunatic in said Asylum.¹

(1927.) SEC. 17. Said treasurer is also authorized to recover for the use of the Asylum, any and all sums which may be due upon any note or bond in his hands, belonging to the Asylum; also any and all sums which may be charged and due, according to the by-laws of the Asylum, for the support of any patient therein, or for actual disbursements made in his behalf, or for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name, as treasurer of the Michigan Asylum for the Insane, and which shall not abate by his death, or removal, against the individual town, city, or county, legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer; in which action the declaration may be in a general *indebitatus assumpsit*; and judgment shall be rendered for such sum as shall be found due, with interest from the time of demand made as aforesaid. Said treasurer may, also, upon the receipt of the money due upon any mortgage in his hands, belonging to the Asylum, execute or release and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Further powers
of treasurer.

(1928.) SEC. 18. The steward, under the direction of the medical superintendent, shall make all the purchases for the Asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer. He shall, also, under like direction, make contracts in the superintendent's name with the attendants and assistants, and keep and settle their accounts. He shall also keep the accounts of the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due. He shall make quarterly abstracts of all his accounts to the last day of every February, May, August, and November, for the treasurer and Board of Trustees. He shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles, provided for the Asylum.

Steward.
His duties.

Quarterly ab-
stracts.

(1929.) SEC. 19. As soon as the Asylum shall be ready for the admission of patients, the Board of Trustees shall cause notice thereof to be published for two weeks in one paper in Lansing, and two papers in the city of Detroit, and sent to the clerk of every county, who shall transmit copies thereof to the superintendents of the poor of said county, by mail. A circular from the medical

Notice when
Asylum can ac-
commodate
patients.

¹ As amended by Act 849 of the Laws of 1865, p. 714, approved March 21, 1865.

superintendent shall accompany said notice to each county clerk, and to the superintendents of the poor, designating different days for the counties severally to send to the Asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws.

Insane persons
to be sent to
Asylum.

(1930.) SEC. 20. The county superintendents of the poor of any county, or any supervisor of any city or town to which a person who shall become insane shall be chargeable, after the opening of the Asylum for the Insane, shall send such person to the Asylum by an order under their hands: *Provided*, The Asylum can receive said person.

Proviso.

Expense, by
whom paid.

(1931.) SEC. 21. The expense of sending such lunatic to the Asylum, and of supporting him there, shall be defrayed by the county or town to which he may be chargeable. If chargeable to a county, or to any town whose poor-moneys are required to be paid into the county treasury, such expense shall be paid by the county treasurer, out of the funds appropriated to the support of the poor belonging to such county or town, after being allowed and certified by the county superintendents. If such lunatic be chargeable to a town whose poor-moneys are not required to be paid into the county treasury, such expense shall be paid by the directors of the poor thereof.

Insane persons
not confined
with criminals.

(1932.) SEC. 22. No such insane or mad person, or person disordered in his senses, shall be confined in the same room with any person charged with or convicted of any crime; nor shall such person be confined in any jail more than ten days; and if he continue furiously mad or dangerous, he shall be sent to the Asylum: *Provided*, The Asylum is in a condition to receive him.

When sent to
the Asylum.

Proviso.

Penalty.

(1933.) SEC. 23. Any director of the poor, constable, or keeper of a jail, or other person, who shall confine any such lunatic or mad person in any other manner or in any other place than such as are herein prescribed, shall be deemed guilty of a misdemeanor, and on conviction, shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both, in the discretion of the court before which the conviction shall be had.

Indigent per-
sons, proceed-
ings in case of.

(1934.) SEC. 24. When a person in indigent circumstances, and not a pauper, becomes insane, application may be made in his behalf to the probate judge of the county where he resides; and said probate judge shall call two respectable physicians, and other credible witnesses, and also immediately notify the prosecuting attorney of his county, of the time and place of meeting, whose

duty it shall be to attend the examination and act in behalf of said county; and said probate judge shall fully investigate the facts in the case, and either with or without the verdict of a jury, at his discretion, as to question of insanity, shall decide the case as to his indigence; and if the probate judge certifies that satisfactory proof has been adduced, showing him insane, and his estate is insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, on his certificate, under the seal of the probate court of said county, he shall be admitted into the Asylum, and supported there at the expense of the county to which he belongs, until he shall be restored to soundness of mind, if effected in two years, and until removed by order of the board of supervisors of such county. The probate judge in such case shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers, in his office, and enter the proper order in the journal of the probate court in his office. Said probate judge shall report the result of his proceedings to the supervisors of his county, if such person belongs to that county, whose duty it shall be, at the next annual meeting thereafter, to raise money requisite to meet the expenses of support accordingly.¹

(1935.) SEC. 25. County and town officers and all persons having charge of lunatics, as above, shall see to carrying into effect so much of this act as refers to the removal to and maintenance in the Asylum, of said lunatics, within such time and under such regulations as shall be provided by the by-laws after the institution is open for the reception of patients.

Duty of persons
having charge of
lunatics.

(1936.) SEC. 26. The superintendent shall make, in a book kept for that purpose, at the time of reception, a minute, with date of same, the name, residence, office, and occupation of the person by whom, and by whose authority each insane person is brought to the Asylum; and have all the orders, warrants, requests, certificates, and other papers accompanying him forthwith filed.

Record of pa-
tients.

(1937.) SEC. 27. When an insane person in indigent circumstances shall have been sent to the Asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient, and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and pay the same to

Provisions for
indigent insane.

¹ Vide note to section 16.

the treasurer of the Asylum, and they shall repeat the same for the two succeeding years upon like application and the production of a new certificate each succeeding year, of like import, from the medical superintendent.

Persons acquitted of crime on account of insanity.

(1938.) SEC. 28. When a person shall have escaped indictment or shall have been acquitted of a criminal charge upon trial, on the ground of insanity, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and, if it does, shall order him in safe custody, and to be sent to the Asylum. If such person be sent to the Asylum, the county from which he is sent shall defray all his expenses while there, and of sending him back, if returned; but the county may recover the amount so paid from his estate, if he have any, or from any relative, town, city, or county that would have been bound to provide for and maintain him elsewhere.

When sent to the Asylum.

Expenses borne by county.

Insane person under criminal charge.

(1939.) SEC. 29. If any person in confinement under indictment, or under sentence of imprisonment, or under criminal charge, or for want of bail for good behavior, or keeping the peace, or to appear as a witness, or in consequence of any summary conviction, or by order of any justice or under any other than civil process, shall appear to be insane, the circuit court commissioner of the county where he is confined, or, if he be absent, the judge of the circuit court, shall, upon the application of the prosecuting attorney, institute a careful investigation, call two respectable physicians and other credible witnesses, whom he is authorized to swear as such; and if it be satisfactorily proved that he is insane, said commissioner or judge may relieve him from such imprisonment, and [order] his safe custody and removal to the Asylum, where he shall remain until he is restored to his right mind, and then the superintendent shall inform the said commissioner or judge, and the county clerk and prosecuting attorney of said county, so that the person so confined may, within sixty days thereafter, be remanded to prison and criminal proceedings be resumed, or otherwise discharged, or if the time of his sentence shall have expired, he shall be discharged. The provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the Asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

May be removed to Asylum.

Expenses borne by county.

Insane persons imprisoned on civil process, etc.

(1940.) SEC. 30. If a person imprisoned on attachment, or any civil process, or for the non-payment of a militia fine, becomes insane, the commissioner mentioned in the last preceding section

of this act shall institute like proceedings in his case as required in the case provided for in said section; but notice shall be given, in such case, by mail or otherwise, to the plaintiff or his attorney, if in the State; and if it shall be proved to the satisfaction of such commissioner that the prisoner is insane, he may discharge him from imprisonment, and order him into safe custody, and to be sent to the Asylum; nevertheless, the creditor may renew his process, and arrest again his debtor when of sound mind.

(1941.) SEC. 31. Persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the Asylum, in the same way as persons charged with crime.

Persons acquitted of criminal charge.

(1942.) SEC. 32. The price to be paid for keeping the poor, or any person in indigent circumstances, in the Asylum, until the first day of January, eighteen hundred and sixty, shall be two dollars and fifty cents per week. Thereafter it shall be annually fixed by the Trustees, and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries. The Trustees may, at their discretion, require payments to be made quarterly or semi-annually in advance.

Price.

(1943.) SEC. 33. Every insane person supported in the Asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf; and the committee, relative, city, town, or county that would have been bound by law to provide for and support him if he had not been sent to the Asylum, shall be liable to pay the expenses of his clothing and maintenance in the Asylum, and actual necessary expenses to and from the same.

Individual and other liability.

(1944.) SEC. 34. The expenses of clothing and maintaining in the Asylum a patient who has been received upon the order of any court or officer, shall be paid by the county from which he was sent to the Asylum. The treasurer of said county is authorized and directed to pay to the treasurer of the Asylum the bills for such clothing and maintenance, as they shall become due and payable according to the by-laws of the Asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, or city that is legally liable for the support of such patient, to re-imburse the amount of said bills, with interest from the day of paying the same.

Certain expenses borne by county

Supervisors to levy the amount.

(1945.) SEC. 35. Whenever the Trustees shall order a patient moved from the Asylum to the poorhouse of the county whence

Removal from Asylum to poorhouse.

Expenses. he came, the superintendents of the poor of said county shall audit and pay the actual and reasonable expenses of such removal as part of the contingent expenses of said poorhouse. But if any town or person be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county, by such superintendent. If such superintendent of the poor neglect or refuse to pay such expenses on demand, the treasurer of the Asylum may pay the same and charge the amount to the said county; and the treasurer of the said county is authorized to pay the same, with interest, after thirty days; and the supervisors of said county shall levy and raise the amount as other county charges.

Rights of townships and counties. (1946.) SEC. 36. Every town or county paying for the support of a lunatic in the Asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same at other places under existing laws.

How criminal patients may be discharged. (1947.) SEC. 37. A patient of the criminal class may be discharged by order of one of the justices of the Supreme Court, or a circuit judge, if upon due investigation it shall appear safe, legal, and right to make such order.

Discharge of patients. (1948.) SEC. 38. No patient shall be discharged without suitable clothing; and if it cannot otherwise be obtained, the steward shall, upon the order of the Trustees, furnish it, also money not exceeding twenty dollars, to defray his expenses until he reaches his friends, or can find an opportunity to earn his subsistence.

Cleanliness, etc., of patients. (1949.) SEC. 39. All town and county officers sending a patient to the Asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided with suitable changes of raiment, as prescribed in the by-laws.

Construction of terms. (1950.) SEC. 40. The terms "lunacy," "lunatic," and "insane," as used in this act, include every species of insanity, and extend to every deranged person, and to all of unsound mind, other than idiots; the word "oath" includes "affirmation;" "commissioner" means "circuit court commissioner;" the words "justice" and "justices" mean "justice of the peace;" and "county superintendent" means "superintendent of the poor;" the word "Asylum" and "institution" means "Michigan Asylum for the Insane;" a word denoting the singular number is to include one or many; and every word importing the masculine gender may extend to and include females.

(1951.) SEC. 41. The Trustees of the Asylum shall receive no compensation for their services, but shall receive their actual and reasonable traveling expenses, to be paid by the State Treasurer on the warrant of the Auditor General, on the rendering of their accounts, verified by their oaths, respectively, out of any money to the credit of the general fund not otherwise appropriated.

(1952.) SEC. 42. All acts and parts of acts contravening the provisions of this act are hereby repealed.

(1953.) SEC. 43. This act shall take effect immediately, except its requirements for sending the insane to the Asylum, which shall take effect as soon as the Trustees' notice of the Asylum being ready, as aforesaid, shall have been published for two weeks, as provided in this act.

(1954.) SEC. 44. When an indigent insane person shall be brought before a judge of probate for examination, as provided in section twenty-four of this act, such judge shall also inquire into the settlement of such person, and if it shall appear that such person is in indigent circumstances, and has not sufficient means for his support, and has not a legal settlement in the county of such judge, but has gained a legal settlement in some other county of this State, according to the provisions of sections fourteen hundred and seventy-four and fourteen hundred and seventy-five of the Compiled Laws, said judge shall make two statements of his proceedings and decision, and shall certify to the correctness thereof, under the seal of the probate court, and transmit one copy with the other proceedings to the treasurer of the Insane Asylum, who shall preserve the same in his office; which statement shall be admitted as *prima facie* evidence of the matter therein stated, in any hearing that may be had before said treasurer in relation thereto, and shall file the other copy with the county clerk of his county. The probate judge shall have the same powers in determining the settlement of an indigent insane person, as is conferred upon him in section twenty-four of this act.¹

Probate judge to inquire as to the settlement of indigent persons.

Statements of proceedings and decision.

(1955.) SEC. 45. Whenever an indigent insane person has been sent to the Insane Asylum by a probate judge as having gained a legal settlement in some county of this State other than that in which such judge resides, the treasurer of the Asylum shall, within ten days after such person has been admitted, give notice to the superintendents of the poor of the county to which it is alleged that such indigent insane person belongs, of the facts in the case, and that the expenses of the support of such person will be charged

Treasurer of Asylum to notify superintendent of the poor as to such indigent persons.

¹As added by Act 849, Laws of 1865, p. 714, approved March 21, 1866.

to that county, unless such superintendents shall within such time as the treasurer may appoint, not less than twenty days nor more than thirty days thereafter, show that such county ought not to be so charged; and on application, said treasurer shall examine the matter, and hear all the testimony in relation thereto, and shall decide the question; which decision shall be final.¹

Proceedings
when county
refuses to pay
for maintenance
of such persons.

(1956.) SEC. 46. In case any county in this State shall neglect or refuse to pay the amount due the Asylum for the treatment and maintenance of persons admitted from such county, in accordance with the provisions of this act, it shall be the duty of the medical superintendent to make out a statement of the facts, giving the number of persons, name of each, and number of weeks' treatment and maintenance for which payment is due, and the amount of the same, to be verified upon his oath, a copy of which he shall send to the clerk of the county from which such money is due; and if the same shall not be paid within sixty days after giving such notice to the said county clerk, he shall transmit the statement to the Auditor General, who shall draw his warrant upon the State Treasurer for the amount, together with the interest thereon, to be computed from the time the same became due the Asylum, and charge the same back to the said county, to be assessed, collected, and returned with and in the same manner that other State taxes are assessed, collected, and returned.¹

An Act making appropriations for the Michigan Asylum for the Insane, and to repeal sections two and three of act number one hundred and ninety-two of Session Laws of eighteen hundred and sixty-five, and amending section five of act number one hundred and sixty-four of the Laws of eighteen hundred and fifty-nine.

[Approved March 26, 1867. Laws of 1867, p. 151.]

SEC. 1.²

SEC. 2.²

SEC. 3.²

SEC. 4.²

SEC. 5.²

SEC. 6.²

SEC. 7.²

Assistant physician.

(1957.) SEC. 8. The Trustees of the Asylum may, in their discretion, appoint, upon the nomination of the medical superintendent, a second assistant physician.

SEC. 9. This act shall take immediate effect.

¹ As added by Act 849, Laws of 1865, p. 714, approved March 21, 1865.

² Temporary.

³ Repealing section.

⁴ Amendatory section, amending section five, preceding act.

An Act to change the name of the Michigan Asylum for the educating the Deaf and Dumb and the Blind.

[Approved March 25, 1867. Laws of 1867, p. 128.]

(1958.) SECTION 1. *The People of the State of Michigan enact*, Name changed. That the name of the Michigan Asylum for educating the Deaf and Dumb and the Blind, be changed to "The Michigan Institution for educating the Deaf and Dumb and the Blind."

(1959.) SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 3. This act shall take immediate effect.

TITLE XVI.

THE INTERNAL POLICE OF THE STATE.

- CHAPTER LIII. Disorderly persons.
CHAPTER LIV. The maintenance of illegitimate children.
CHAPTER LV. The observance of the first day of the week, and the prevention and punishment of immorality.
CHAPTER LVI. The law of the road, and the regulation of public carriages.
CHAPTER LVII. Timber and lumber floating upon waters, or carried upon adjoining lands.
CHAPTER LVIII. Lost goods and stray beasts.
CHAPTER LIX. Running at large of animals.
CHAPTER LX. The disposition of unclaimed property in certain cases.
CHAPTER LXI. Fire departments in cities and villages.
CHAPTER LXII. Certain municipal regulations of police.
CHAPTER LXIII. The protection of fish and preservation of fisheries.
CHAPTER LXIV. The protection of game and muskrats.
CHAPTER LXV. Dissection in certain cases.
CHAPTER LXVI. Trespass upon cranberry marshes.
CHAPTER LXVII. The destruction of wolves, and other noxious animals.
CHAPTER LXVIII. Preventing the spread of Canada thistles.
CHAPTER LXIX. The manufacture and sale of intoxicating drinks as a beverage.

CHAPTER LIII.

DISORDERLY PERSONS.

Chapter thirty-nine of Revised Statutes of 1846.

N. Y. Rev. Stat.,
Title 5, Chap. 20,
Part 1.

What persons
deemed disorderly.

(1960.) SEC. 1. All persons who do run away, or threaten to run away, who, being of sufficient ability, refuse or neglect to support their families, or leave their wives or children a burden on the public; all persons pretending to tell fortunes, or where or with whom lost or stolen goods may be found; all common prostitutes, all keepers of bawdy houses, or houses for the resort of prostitutes;

all drunkards, tipplers, gamesters, or other disorderly persons; all persons who have no visible calling or business to maintain themselves by, or who do for the most part support themselves by gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profits, any puppet-show, wire or rope dancing, or other idle shows, acts, or feats; all persons who keep in any highway, or in any public place, any gaming-table, wheel of fortune, box, machine, instrument, or device for the purpose of gaming; all persons who go about with such table, wheel of fortune, box, machine, instrument, or device, exhibiting tricks, or gaming therewith; all persons who play in the public streets or highways, with cards, dice, or any instrument or device for gaming; and all vagrants, shall be deemed disorderly persons.¹

(1961.) SEC. 2. Upon complaint made on oath to any justice of the peace, against any person as being disorderly, he shall issue his warrant for the apprehension of the offender, and cause him to be brought before such justice for examination; and if it shall appear by the confession of the offender, or by competent testimony, that he is a disorderly person, the justice may require of the offender a recognizance, with sufficient sureties, for his good behavior for the term of not less than sixty-five days nor more than one year thereafter.²

Apprehension of offenders, and security for good behavior.

(1962.) SEC. 3. In default of such sureties being found, the justice shall make up, sign, and file in the county clerk's office a record of conviction of such offender, as a disorderly person, specifying generally the nature and circumstances of the offence, and shall, by warrant under his hand, commit such offender to the common jail of the county, there to remain until such sureties be found, or such offender be discharged according to law.

When record of conviction to be made, and offender committed.

(1963.) SEC. 4. The committing of any of the acts which constitute the person so bound a disorderly person, shall be deemed a breach of the condition of such recognizance.

What deemed a breach of recognizance.

(1964.) SEC. 5. Upon a recovery being had upon any such recognizance, the court before which such recovery shall be had may, in its discretion, either require new sureties for good behavior to be given, or may commit the offender to the common jail of the county, for any time not exceeding six months.

When new sureties may be required, or offender committed.

(1965.) SEC. 6. Any person committed to the common jail for not finding sureties for good behavior, may be discharged by any

How person committed may be discharged.

¹ As amended by Act 89 of the Laws of 1865, p. 147, approved March 2, 1865.

² As amended by Act 17, of the Laws of 1869, p. 94, approved and took effect February 24, 1869.

Jailor to report to circuit court list of persons committed to jail.

two justices of the peace of the county, upon giving such sureties for good behavior as were originally required from such offender.

(1966.) SEC. 7. It shall be the duty of the keeper of every jail to lay before the circuit court for his county, on the first day of every term, a list of all the persons committed to the jail as disorderly persons, and then in his custody, with the nature of their offenses, the name of the justice committing them, and the time of their imprisonment.¹

Court to examine record of conviction.

(1967.) SEC. 8. The said circuit court before [which] such list shall be laid, shall inquire into the circumstances of each case, and hear any proofs that may be offered, and shall examine the record of conviction, which shall be deemed presumptive evidence of the facts therein contained until disproved.¹

Powers of court in relation to disorderly persons.

(1968.) SEC. 9. The circuit court may discharge such disorderly person from confinement, either absolutely or upon receiving sureties for his good behavior, in the discretion of the court, or the said circuit court may, in its discretion, authorize the superintendents of the poor of the county to bind out such disorderly persons as shall be minors, in some calling, as servants or apprentices, or otherwise, until they shall be of full age, respectively, or to contract for the service of such disorderly persons as shall be of full age, with any person, as laborers or servants, for any time not exceeding one year, which binding out and contracts shall be as valid and effectual as the indenture of any apprentice with his own consent and the consent of his parents, and shall subject the persons so bound out or contracted for to the same control of their masters, respectively, and of such circuit court, as if they were bound as apprentices.¹

Court may order disorderly person kept at labor

(1969.) SEC. 10. Such court may, in its discretion, order any such disorderly person to be kept in the common jail for any time not exceeding six months, at hard labor.

When court may order keeper to furnish employment, etc.

(1970.) SEC. 11. If there be no means provided in such jail for employing offenders at hard labor, such court may direct the keeper thereof to furnish such employment as it shall specify, to such disorderly person as may be committed thereto, either by a justice, or any court, and for that purpose to purchase any necessary raw materials and implements, not exceeding such amount as the court shall prescribe, and to compel such persons to perform such work as shall be allotted to them.

Expenses, how paid.

(1971.) SEC. 12. The expenses incurred in pursuance of such order shall be paid to the keeper by the county treasurer, on the

¹ As amended by Act 133 of the Laws of 1863, p. 255, approved March 19, 1868.

production of a certified copy of the order of the court, and an account of the materials furnished, verified by his oath.

(1972.) SEC. 13. The keeper shall sell the produce of such labor, and shall account for the first cost of the materials furnished, and for one-half of the surplus, to the board of supervisors, and pay the same into the county treasury; and the other half of the surplus shall be paid to the person earning the same, on his discharge from imprisonment; and such keeper shall also account to the court, whenever required, for all materials purchased, and for the disposition of the proceeds of the earnings of such offenders.

Keeper to sell
produce of labor,
etc.

CHAPTER LIV.

THE MAINTENANCE OF ILLEGITIMATE CHILDREN.

Chapter Forty-two of Revised Statutes of 1844.

(1973.) SECTION 1. When any woman who has been delivered of a bastard child, or is pregnant with a child which, if born alive, may be a bastard, shall make a complaint to any justice of the peace, and shall desire to institute a prosecution against the person whom she accuses of being the father of the child, the justice shall take her accusation and examination in writing, under oath, respecting the person accused, the time when and the place where the complainant was begotten with child, and such other circumstances as the said justice shall deem necessary for the discovery of the truth of such accusation.

Complaint
against father of
bastard child
and examination
thereon.

18 Metcalf, 246.
4 Blackford, 138,
269, 316.
Thacher's C. C. 28
10 Mich. 24.

(1974.) SEC. 2. The said justice may issue his warrant against the party accused, which may be executed in any part of the State, and, after hearing him in his defense, may require him to enter into recognizance with one or more sureties to the satisfaction of the justice, in such sum as he may deem necessary, not less than one

Warrant; pro-
ceedings there-
on.

4 Blackford, 29,
42.
5 Hill, 443.

hundred nor more than five hundred dollars, upon condition to appear and answer to the said complaint at the next term of the circuit court for the county, and to abide the order of the court thereon, and may order him to be committed until he shall enter into such recognizance; and on the trial of the issue before the court, the examination taken as aforesaid shall be given in evidence.

Proceedings in circuit court.

(1975.) SEC. 3. If, at the next term of the said court, the complainant shall not have been delivered, or shall not be able personally to attend, or if there shall be any other sufficient reason therefor, the court may order a continuance of the cause, from time to time, as they shall judge necessary, and such recognizance shall remain in force until final judgment: *Provided*, That if the sureties of any recognizance shall, at any term of said court, object to being any longer held liable, or if the court shall, for any cause, deem it proper, such court may order the defendant to enter into a new recognizance, with such sureties and for such amount as they shall direct; and he shall stand committed until such new recognizance shall be entered into.

Proviso.

Trial and judgment.

(1976.) SEC. 4. Upon the trial of the cause, the woman making the complaint shall be admitted as a witness, unless she shall have been convicted of a crime which would by law render her incompetent as a witness in any other cause; and the issue to the jury shall be whether the defendant is guilty or not guilty; and if the jury shall find him guilty, or if he shall admit the truth of the accusation, he shall be adjudged to be the father of such child, and shall stand chargeable with the maintenance thereof, with the assistance of the mother, in such manner as the court shall order.

3 Cushing, 77.
9 Johnson, 867.

1 Doug. Mich. 47
10 Mich. 24.

Bond to secure performance of order, etc.

(1977.) SEC. 5. Such person so adjudged to be the father of such child shall give bond to the superintendents of the poor of the county, with sufficient sureties to the satisfaction of the court, to perform such order, and also to indemnify the county which might be chargeable with the maintenance of such child, and he may be committed to prison until he shall give such bond; but if on such trial he shall be found not guilty, the court shall order that he be discharged; and in either case the judgment of the court shall be final.¹

18 Metcalf, 372.
2 Johnson, 875.
4 Demio, 518.

Relief of person imprisoned.

(1978.) SEC. 6. Any man who shall have been imprisoned ninety days for having failed to comply with the order of the circuit court, as provided in this chapter, shall have the benefit of the laws for the relief of poor prisoners committed on execution for debt, pro-

¹ No writ of error can be taken to the Supreme Court under this act. See 8 Mich. 118, 5 Mich. 225.

vided he shall procure the like notification of his intention to take the oath prescribed to poor debtors, to be served on the complainant, if still living within this State, and also upon one of the said superintendents of the poor; such notification to be served at least thirty days before the time appointed for taking the oath. 5 Cowen, 376.

(1979.) SEC. 7. The mother of such child, and the said county superintendents respectively, may at all times after the liberation of such prisoner on taking said oath, recover, by action of debt or on the case, any sum of money which ought to have been paid to them, respectively, by him in pursuance of such order of the court. Still liable to action.

(1980.) SEC. 8. If any woman shall be delivered of a bastard child which shall be chargeable or likely to become chargeable to any county, or shall be pregnant of a child likely to be born a bastard and to become chargeable to any county, the superintendents of the poor of any county, or any of them, where such woman shall be, shall, upon application for aid in supporting such child by the mother thereof, apply to some justice of the peace of the same county to make inquiry into the facts and circumstances of the case. When superintendents to make application for examination.

(1981.) SEC. 9. Such justice shall examine such woman on oath respecting the father of such child, the time when and the place where she was begotten with child, and such other circumstances as the justice may deem necessary for the discovery of the truth; and shall thereupon issue his warrant to apprehend the reputed father; and the same proceedings shall be thereupon had, as if complaint had been made by such woman, as prescribed in the foregoing provisions of this chapter, and with the like effect. Woman to be examined, and reputed father apprehended. 4 Wendell, 555.

(1982.) SEC. 10. Any warrant issued for the apprehension of such reputed father may be executed in any county in this State, in which the person against whom the same issued may be found. Warrant may be executed in any county.

(1983.) SEC. 11. The superintendents of the poor of any county in this State shall have power to make such compromise and arrangement with the putative father of any bastard child in such county, relative to the support of such child, as they shall deem equitable and just, and thereupon may discharge such putative father from all liability for the support of such bastard. Superintendents may compromise with father of bastard.

CHAPTER LV.

THE OBSERVANCE OF THE FIRST DAY OF THE
WEEK, AND THE PREVENTION AND PUNISH-
MENT OF IMMORALITY.

Chapter forty-three of Revised Statutes of 1846.

OBSERVANCE OF THE FIRST DAY OF THE WEEK.

*Shops, etc., not
to be kept open
on first day of
week, etc.*

*2 Doug. Mich. 73
12 Mich. 878.
14 Mich. 237.
16 Mich. 9.*

(1984.) SECTION 1. No person shall keep open his shop, warehouse, or workhouse, or shall do any manner of labor, business, or work, except only works of necessity and charity, or be present at any dancing, or at any public diversion, show, or entertainment, or take part in any sport, game, or play, on the first day of the week; and every person so offending shall be punished by a fine not exceeding ten dollars for each offense.

*Keepers of public
houses not to
entertain, except
travelers, etc.,
on first day of
week.*

(1985.) SEC. 2. No tavern-keeper, retailer of spirituous liquors, or other person keeping a house of public entertainment, shall entertain any persons, not being travelers, strangers, or lodgers in his house, on the said first day of the week, or shall suffer any such person on said day to abide or remain in his house, or in the buildings, yards, or orchards or fields appertaining to the same, drinking, or spending their time idly, or at play, or in doing any secular business.

*Penalty for vio-
lating preceding
section.*

(1986.) SEC. 3. Every person offending against any of the provisions of the last preceding section, shall be punished by a fine not exceeding five dollars for each person so entertained, or suffered so to abide or remain; and upon any conviction after the first, such offender shall be punished by a fine not exceeding ten dollars;

and if convicted three times, he shall be afterwards incapable of holding a license; and every person so abiding or drinking shall be punished by a fine not exceeding five dollars.

(1987.) SEC. 4. No person shall be present at any game, sport, play, or public diversion, or resort to any public assembly, excepting meetings for religious worship or moral instruction, or concerts of sacred music, upon the evening of the said first day of the week; and every person so offending shall be punished by a fine not exceeding five dollars for each offense.

Public diversions, etc.

(1988.) SEC. 5. No person shall serve or execute any civil process from midnight preceding to midnight following the said first day of the week; but such service shall be void, and the person serving or executing such process shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

Between what hours civil process not to be executed.

3 Mich. Rep. 280

(1989.) SEC. 6. If any person shall on the said first day of the week, by rude and indecent behavior, or in any other way, intentionally interrupt or disturb any assembly of people met for the purpose of worshiping God, he shall be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Disturbance of religious meetings.

(1990.) SEC. 7. No person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, shall be liable to the penalties provided in this chapter, for performing secular business or labor on the said first day of the week, provided he disturb no other person.

Persons observing seventh day of week, not liable, etc.

(1991.) SEC. 8. For the purposes of the provisions of this chapter, the said first day of the week shall be understood to include all the time between the midnight preceding and the midnight following the said day; and no prosecution for any fine or penalty incurred under any of the preceding provisions of this chapter, shall be commenced after the expiration of three months from the time when the offense shall have been committed.

What time included in first day of the week.

Limitation of time for prosecution.

G A M I N G .

(1992.) SEC. 9. If any person shall, by playing at cards, dice, or any other game, or by betting on the sides or hands of such as are gaming, or by any betting whatever, lose to any person so playing, or betting, any sum of money, or any goods whatever, and shall pay and deliver the same, or any part thereof, to the winner, the person so paying or delivering the same may sue for and recover such money, in an action for money had and received to the use of

Money, etc., lost by betting, may be recovered.

3 McLean R. 100
3 Denio, 108.
4 Mich. 323.
10 Mich. 823.
22 Barb. 82.

the plaintiff, and such goods, in an action of replevin, or the value thereof, in an action of trover, or in a special action on the case.

When winner
subject to fine.

(1993.) SEC. 10. If the person so losing said money or goods shall not, within three months after such loss, without covin or collusion, prosecute with effect for such money or goods, the winner to whom such money or goods shall have been so paid or delivered shall be subject to a fine not exceeding three times the value of such money or goods.

Oath of plaintiff
and defendant.

(1994.) SEC. 11. In any suit to be brought by the person so losing any such money or goods, against the person receiving the same, when it shall appear from the declaration that the said money or goods came to the hands of the defendant by gaming, if the plaintiff shall make oath before the court in which such suit is pending, that the said money or goods were lost by gaming with the defendant as alleged in the declaration, judgment shall be rendered that the plaintiff recover damages to the amount of the said money or goods, unless the defendant will make oath that he did not obtain the same, or any part thereof, by gaming with the plaintiff; and if he shall so discharge himself, he shall recover of the plaintiff his costs; but the plaintiff may, at his election, maintain and prosecute his action according to the usual course of proceeding in such actions at common law.

Forfeiture for
winning or los-
ing to value of
five dollars.

(1995.) SEC. 12. Every person who shall win or lose, at any time or sitting, by gaming, or betting on the hands or sides of such as are gaming, any money or goods to the value of five dollars or more, whether the same be paid over or delivered, or not, shall forfeit and pay three times the value of such money or goods: *Provided*, That a prosecution shall be commenced therefor within six months after the committing of the offense.

Proviso.

Certain notes,
mortgages, etc.,
how far void.

(1996.) SEC. 13. All notes, bills, bonds, mortgages, or other securities or conveyances whatever, in which the whole or any part of the consideration shall be for any money or goods won by playing at cards, dice, or any other game whatever, or by betting on the sides or hands of such as are gaming, or by any betting or gaming whatever, or for reimbursing or repaying any moneys knowingly lent or advanced for any gaming or betting, shall be void and of no effect, as between the parties to the same, and as to all persons, except as to those who hold or claim under them in good faith, and without notice of the illegality of such contract or conveyance.

4 Cushing, 448.

(1997.) SEC. 14. Whenever any mortgage or other conveyance of land shall be adjudged void under the provisions of the preceding section, such lands shall enure to the sole benefit of such person or persons as would be entitled thereto, if the mortgagor or grantor were naturally dead; and all grants and conveyances for preventing such lands from coming to or devolving upon the person or persons to whose use and benefit the said lands would so enure, shall be deemed fraudulent and of no effect, except as against purchasers in good faith, and without notice of the illegality of such mortgage or other conveyance.

Lands in certain cases to enure to benefit of person who would be entitled if grantor, etc., were dead.

(1998.) SEC. 15. If any person shall keep, or knowingly suffer to be kept, in any house, building, yard, garden, or dependency thereof, by him actually used or occupied; any table for the purpose of playing at billiards for hire, gain, or reward, or shall, for hire, gain, or reward, suffer any person to resort to the same, for the purpose of playing at billiards, cards, or dice, or any other unlawful game, every person so offending shall, for each and every such offense, forfeit a sum not exceeding one hundred dollars, and shall further recognize, with sufficient sureties, in such reasonable sum as the court shall direct, for his good behavior, and especially that he will not be guilty of any offense against the provisions of this chapter, for the term of one year then next ensuing.

Penalty for keeping billiard table, or gaming-house etc.

(1999.) SEC. 16. If any person shall keep, or knowingly suffer to be kept, in any house, building, yard, garden, or dependency thereof, or in any field, by him owned or occupied, any nine-pin alley, or any alley to be used in the playing of nine-pins, or any other like game, whether to be played with one or more balls, or with nine or any other number of pins, for hire, gain, or reward, or shall, for hire, gain, or reward, suffer any person to resort to the same for the purpose of playing at any such game, every such person so offending shall, for every such offense, forfeit a sum not exceeding fifty dollars, and shall further recognize for his good behavior, in like manner as is required of a person convicted of any offense mentioned in the preceding section.

Penalty for keeping nine-pin alley, etc.

1 Cushing, 279.

(2000.) SEC. 17. If any person shall play at billiards, cards, dice, nine-pins, or any other unlawful game, at any such table or alley, kept or used as mentioned in the two last preceding sections, he shall forfeit a sum not less than two dollars nor more than ten dollars for each offense.

Penalty for playing in certain cases.

(2001.) SEC. 18. If any person shall make oath before any justice of the peace, that he suspects or has probable cause to suspect that any house or other building is unlawfully used as and for a com-

When warrant shall issue to arrest persons found playing in gaming-house, etc.

mon gaming-house for the purpose of gaming for money or other property, and that idle and dissolute persons resort to the same for that purpose, such justice, whether the name of the persons last mentioned are known to the complainant, or not, shall issue a warrant, commanding the sheriff or any constable to enter into such house or building, and there to arrest all persons who shall be there found playing for money, or otherwise, and also the keepers of the same, and to take into their custody all the implements of gaming there found, and to bring the said persons and implements before such justice, to be dealt with according to law.

CHAPTER LVI.

THE LAW OF THE ROAD, AND THE REGULATION OF PUBLIC CARRIAGES.

Chapter forty-four of Revised Statutes of 1846.

N. Y. Rev. Stat.,
Title 18, Chap.
20, Part 1.

Persons meeting
with carriages,
etc., to turn to
the right.
2 Gray, 181.

Penalty etc., for
violating preced-
ing section.

Proviso.

(2002.) SECTION 1. Whenever any persons shall meet each other on any bridge or road, traveling with carriages, wagons, carts, sleds, sleighs, or other vehicles, each person shall seasonably drive his carriage or other vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages, or other vehicles aforesaid, may pass each other without interference.

(2003.) SEC. 2. Every person offending against the provisions of the preceding section shall, for each offense, forfeit a sum not exceeding twenty dollars, and shall also be liable to the party injured for all damages sustained by reason of such offense: *Provided*, That proceedings shall be commenced for the recovery of such forfeiture within three months after the offense shall have been committed, and any action for such damages shall be commenced within one year after the cause of action shall have accrued.

(2004.) SEC. 3. No person owning, or having the direction or control of any coach, or other carriage or vehicle, running or traveling upon any road in this State, for the conveyance of passengers, shall employ, or continue in employment, any person to drive such coach, carriage, or other vehicle, who is addicted to drunkenness, or to the excessive use of intoxicating liquors; and if any such person shall violate the provisions of this section, he shall forfeit at the rate of five dollars per day for all the time during which he shall have kept such driver in such employment.

Penalty for employing driver addicted to drunkenness.

(2005.) SEC. 4. If any driver, whilst actually employed in driving such coach, carriage, or vehicle, shall be guilty of intoxication, it shall be the duty of the owner or person having the charge or control of such coach, carriage, or other vehicle, on receiving written notice of the fact, signed by any passenger who witnessed the same, and certified by him under oath, forthwith to discharge such driver from such employment; and every person who shall retain or have in such service within six months after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for all the time during which he shall keep any such driver in such employment after receiving such notice.

Owner of coach, etc., to discharge driver, on notice of his being intoxicated.

(2006.) SEC. 5. No person driving any carriage or vehicle for the conveyance of passengers for hire upon any road or highway in this State, with or without passengers therein, shall run his horses, or cause or permit them to run, upon any occasion, or for any purpose whatever; and every person who shall offend against the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court.

Driver running horses guilty of misdemeanor, etc.

(2007.) SEC. 6. It shall not be lawful for the driver of any carriage used for the conveyance of passengers for hire, to leave the horses attached thereto, while any passenger remains in or upon the same, without making such horses fast with a sufficient halter, rope, or chain, or without some suitable person to take the charge and guidance of them, so as to prevent their running; and if any such driver shall violate the provisions of this section, he shall forfeit a sum not exceeding twenty dollars; but no prosecution shall be commenced therefor after the expiration of three months from the time of committing the offense.

Penalty on driver for leaving horses unfastened.

Owners of carriage liable for injuries done by persons in their employ.

(2008.) SEC. 7. The owners of every carriage running or traveling upon any turnpike road or public highway, for the conveyance of passengers for hire, shall be liable, jointly and severally, to the party injured, in all cases, for all injuries and damage done by any person in the employment of such owners as a driver, while driving such carriage, to any person, or to the property of any person, whether the act occasioning such injury or damage be willful, negligent, or otherwise, in the same manner as such driver would be liable.

CHAPTER LVII.

TIMBER AND LUMBER FLOATING UPON WATERS, OR CARRIED UPON ADJOINING LANDS.

Chapter forty-six of Revised Statutes of 1846.

Time for removing timber, etc., limited.

Condition.

Penalty for destroying marks on timber, etc.

(2009.) SECTION 1. Whenever any logs, timber, boards, or planks, in rafts or otherwise, shall be drifted upon any island in any of the waters of this State, or upon the banks or shores of such waters, the owner of such logs, timber, or lumber may, at any time within two years, remove the same, on paying or tendering to the owner or occupant of the land such reasonable damages as may have been caused by reason of such occupancy or removal; and if the owner shall not, within the said two years, make such payment or tender, and take such logs, timber, or lumber from such lands, unless he and the owner or occupant of such lands shall otherwise agree, the same shall be deemed the property of the owner or occupant of the lands.¹

(2010.) SEC. 2. Whoever shall unlawfully cut out, alter, or destroy any mark of the owner, made on any logs, timber, or lumber, put

¹ As amended by Act 141 of the Laws of 1859, p. 395, approved and took effect February 12, 1859.

into any lake, river, stream, or pond, shall forfeit a sum not exceeding ten dollars for each log, stick of timber, or piece of lumber, the mark of which he shall have so altered, cut out or destroyed; and shall be liable to the party injured in three times the amount of damages.

(2011.) SEC. 3. In any suit under the provisions of the preceding section, if such logs, timber, or lumber, shall be found in the possession of the defendant, with the marks cut out, altered or destroyed, it shall be considered presumptive evidence of his guilt, and the burden of proof shall be upon him to discharge himself.

Possession of defendant, when presumptive evidence of guilt

(2012.) SEC. 4. Whoever shall convert to his own use, without the consent of the owner thereof, any logs, timber, boards, or planks, floating in any of the waters of this State, or lying on the banks or shores of such waters, or on any island where the same may have drifted, except as in this chapter provided for, shall be liable to the owner thereof in treble the amount of damages.

Liability of person converting logs, etc.

CHAPTER LVIII.

LOST GOODS AND STRAY BEASTS.

Chapter forty-seven of Revised Statutes of 1846.

(2013.) SECTION 1. When any person shall find any lost money or lost goods, if the owner thereof be known, he shall immediately give notice thereof to such owner. If the owner thereof be unknown, and such money or goods be of the value of three dollars or more, the finder shall, within two days, cause notice thereof to be posted in two public places within the township where the same were found; and shall also, within seven days, give notice thereof, in writing, to the township clerk of such township, and pay him twenty-five cents for making an entry thereof in a book to be kept for that purpose.

Notice of finding goods, etc., how given.

Notice of finding
goods, etc., how
given.

(2014.) SEC. 2. If the money or goods so found be of the value of ten dollars or more, and the owner thereof be unknown, the finder thereof shall also, within one month after such finding, cause notice thereof to be advertised in some newspaper in the same county, if one be published there, and if not, then in some newspaper published in an adjoining county, and continued therein for six successive weeks.

Taking up stray
animals.

14 Mich. 288.

(2015.) SEC. 3. It shall be lawful for any resident freeholder of any township in this State to take up any stray horses, mules, or asses, by him found going at large in such township, beyond the range where such horses, mules, or asses usually run at large; and also to take up, between the months of November and March, any stray neat cattle, sheep, or swine, by him found going at large therein, beyond the range where such animals have usually run at large.

Relative to notice by finder.

(2016.) SEC. 4. Such finder shall immediately give notice thereof to the owner of any such animal, if known to him; but if the owner thereof be unknown, such finder shall, within ten days, cause notice thereof to be entered with the township clerk, in such book as aforesaid, containing a description of the color, age, and natural and artificial marks of such animals, as near as may be, together with the name and residence of such finder, and shall pay to said township clerk the sum of fifty cents for entering the same and sending notice as hereinafter required; and the township clerk shall, immediately upon receipt of such notice, make and send to the county clerk a copy of the same, who shall, immediately upon receipt thereof, enter the same in a book to be kept by him for that purpose, and the finder shall pay to the township clerk the further sum of twenty-five cents, which sum shall be sent with the notice as aforesaid to the county clerk, and the same shall be the amount of fees said county clerk shall be entitled to receive for his services.¹

Township
clerk's fee.

Notice to county
clerk.

County clerk's
fee.

When notice to
be published in
newspaper.

(2017.) SEC. 5. If the owner of any such animal or animals shall not, within one month, appear and reclaim them, and such animal or animals taken up at the same time shall be of the value of ten dollars or more, the finder shall cause such notice to be published in a newspaper in the same county, if one be published there, and if not, then in a newspaper published in an adjoining county, and continued therein for six successive weeks.

Appraisal of lost
goods and stray
beasts.

(2018.) SEC. 6. Every finder of lost goods or stray animals, of the value of ten dollars or more, shall, within three months, and

¹As amended by Act 186 of the Laws of 1871, p. 241, approved April 15, 1871.

before any use shall be made thereof, procure an appraisal of the same, to be made and certified by a justice of the peace of his township, which appraisal he shall, within said three months, cause to be filed with the township clerk; and he shall pay to such justice fifty cents for such appraisal and certificate, and six cents for each mile necessarily traveled by him in such service, and to the clerk six cents for filing the certificate.

(2019.) SEC. 7. If the owner or person entitled to the possession of any such money or goods, other than stray animals, shall appear at any time within one year after such entry with the township clerk, and make out his rights thereto, he shall have restitution of the same, or of the value thereof, upon his paying all the costs and charges aforesaid, together with a reasonable compensation to the finder for keeping and taking care of the same, and for his necessary travel and expenses in the case; which charges shall, in case of disagreement between the owner and finder, be determined by some justice of the peace of the township, who shall certify the same.

When owner, etc., to have restitution.

(2020.) SEC. 8. If no owner or person entitled to the possession of the same shall appear in one year, then such lost money or goods shall remain to the finder, he paying one-half of the value thereof to the treasurer of the township, according to said appraisal, after deducting from such value all the fees and charges aforesaid, to be determined and certified by a justice of the peace as aforesaid; and upon the neglect or refusal to pay the said half of the value, the same shall be recovered by the township treasurer, in an action of debt, or on the case.

When goods, etc., shall remain with finder and township entitled to one-half of value.

(2021.) SEC. 9. If the owner or person entitled to the possession of any such stray beast, shall appear within six months after such entry with the township clerk, and shall make out his right thereto, he shall have restitution of the same, upon paying all lawful charges as before provided in the case of lost goods.

When owner, etc., to have restitution of stray beasts.

(2022.) SEC. 10. If such owner or person entitled to the possession of the same, shall not appear and make out his title to the animals, within the said six months, such animals shall be sold at the request of the finder, by any constable of the township, at public auction, upon first giving notice thereof in writing, by posting up the same in three of the most public places in such township at least ten days before such sale, and the finder may bid therefor at such sale; and the moneys arising therefrom, after deducting all the lawful charges aforesaid, and the fees of the constable, which shall be the same as upon a sale on execution, shall be deposited in the treasury of the township.

Sale of stray beasts, and disposition of proceeds.

When owner,
etc., to receive
moneys deposit-
ed with town-
ship treasurer.

(2023.) SEC. 11. If the owner or person entitled to the possession of any such animal, shall appear within one year after the entry with the township clerk as aforesaid, and establish by his own affidavit, or otherwise, to the satisfaction of the township treasurer, his title thereto, he shall be entitled to receive the money so deposited in the township treasury, from the proceeds of the sale; and if no owner or person entitled to the possession of the same shall appear within the said year, such money shall belong to the township.

Liabilities of
finders of lost
goods, etc.

(2024.) SEC. 12. If the finder of any lost money, goods, or stray beasts, shall neglect to cause the same to be entered, advertised, or notice thereof to be posted, as directed in this chapter, he shall be precluded from all the benefits of this chapter, and from all claim for keeping such goods or animals, or on account of any charges in relation thereto; and if any party shall willfully, and with fraudulent intent to convert the same to his own use, neglect to make such entry, or to cause the same to be advertised, as hereinbefore provided, for thirty days, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than fifty dollars, and in the default of the payment thereof, be imprisoned in the county jail for a period not exceeding ninety days.¹

Penalty of vio-
lating the act.

Liability of per-
son unlawfully
taking stray
animals.

(2025.) SEC. 13. If any person shall unlawfully take away any animal, taken up as a stray pursuant to the provisions of this chapter, without paying all the lawful charges incurred in relation to the same, he shall be liable to the finder thereof to the value of such animal, which may be recovered in an action of trespass, or on the case.

When horses,
etc., may be
moderately
worked by
finder.

(2026.) SEC. 14. If any horses, mules, or oxen, of sufficient age and strength, and used to work, shall be taken up under the provisions of this chapter as strays, and shall not be reclaimed by the owner within one month after the entry thereof with the township clerk, the person taking up the same may moderately and carefully work such horses, mules, or oxen, within the township where they were so taken up; and the value of such labor shall be deducted from the charges aforesaid.

¹ As amended by Act 27 of the Laws of 1867, p. 86, approved February 27, 1867.

CHAPTER LIX.

RUNNING AT LARGE OF ANIMALS.

An Act to prevent animals from running at large in the public highways.

[Approved March 27, 1867. Laws of 1867, p. 251.]

(2027.) SECTION 1. *The People of the State of Michigan enact,* That from and after the year one thousand eight hundred and sixty-seven, it shall not be lawful for any cattle, horses, sheep, or swine to run at large in any public highway of this State: *Provided,* That this act shall be operative only in those counties or parts of counties in which it shall be so determined by resolution passed by the board of supervisors of such county.

(2028.) SEC. 2. In case the board of supervisors in any county shall pass a resolution prohibiting any of the classes of animals named in section one of this bill to run at large in the public highway, then in such county, after the year one thousand eight hundred and sixty-seven, the following sections of this act shall be in full force; but otherwise, they shall be null and void.

(2029.) SEC. 3. It shall be lawful for any person to seize and take into his custody and possession any animal which may be in any public highway, and opposite the land owned or occupied by him, contrary to the provisions of the foregoing section. And it shall be lawful for any person to take into his custody and possession any animal which may be trespassing upon premises owned or occupied by him.

(2030.) SEC. 4. Whenever any such person shall seize and take into his custody or possession any animal under the authority of the next preceding section, it shall be the duty of such person to give

immediate notice thereof to a justice of the peace or a commissioner of highways of the town, city, or village in which such seizure and possession shall have been taken, and such justice or commissioner shall thereupon give notice by affixing the same in six public and conspicuous places in said town, city, or village, one of which shall be the district school-house nearest the residence of such justice or commissioner, that such animal or animals will be sold at public auction, at some convenient place in said town, city, or village, not less than thirty nor more than sixty days from the time of the affixing of such notice, to be specified in such notice. The same justice or commissioner shall proceed to sell the said animals for cash, and out of the proceeds thereof shall, in the first place, retain the following fees and charges for his services in giving said notice and making such sale, viz: For every horse sold, one dollar; for every cow or calf, or other cattle, one half-dollar; and for every sheep or swine, twenty-five cents; and shall then pay to the person who shall have seized the said animal or animals the sum following, that is to say: For every horse so seized or sold, one dollar; for every cow or calf or other cattle, one half-dollar; and for every sheep, ten cents; for every swine, twenty-five cents; together with a reasonable compensation, to be estimated by such justice or commissioner, for the care and keeping of said animal or animals, from the time of the seizure thereof to the time of sale.

Commissioner's notice of sale. If there shall be any surplus money arising from said sale, the said justice or commissioner shall retain the same in his hands, and pay the same to the owner or owners of said animals, after a reasonable demand therefor and satisfactory proof of such ownership: *Provided*, Such owner or owners shall appear and claim such surplus moneys within one year after sale. And if the owner or owners of such animal or animals shall not appear and demand such surplus moneys within one year after such sale has been made, he shall be forever precluded from recovering any part of such moneys, and the same shall be paid to the treasurer of the town for the use of the town, and his receipt therefor shall be a legal discharge to said justice or commissioner: *Provided*, That any animal sold in pursuance of this act may be redeemed any time within the year following such sale, by paying the expenses of such custody and sale, and a reasonable compensation for keeping the same.

Fees of commissioner.

Disposal of surplus money if claimed within one year.

Proviso.

If not claimed.

Proviso.

To obtain possession before sale.

(2031.) SEC. 5. Any owner of any animal which shall have been seized under and pursuant to the foregoing provisions, may, at any time before the sale thereof, demand and shall be entitled to the possession of such animal, upon the payment by him of the several

sums hereinbefore required to be paid to the said justice or commissioner, and to the person by whom the seizure aforesaid shall have been made, together with a reasonable compensation to the person making such seizure, for the care and keeping of such animal, to be estimated and fixed by such justice or commissioner, and upon making to such justice or commissioner satisfactory proof of ownership. And if such owner shall make such demand and proof at least three days before the time appointed for such sale, he shall be entitled to the custody and possession of such animal, upon paying one-half of the several sums above mentioned, together with the whole amount of compensation awarded by the said justice or commissioner.

Demand within three days of sale.

(2032.) SEC. 6. In case the animal so seized under the foregoing provisions of this act, shall have been so running at large or trespassing by the willful act of any other person than the owner, to effect that object, such owner shall be entitled to the possession of such animal by making the demand therefor and the proof required in the next preceding section, and paying to the person making such a seizure the amount of compensation fixed by such justice or commissioner, for the care and keeping of such animal, and without paying any other charges; and the person committing such willful act shall be liable to a penalty of twenty dollars, to be recovered in an action at law at the suit of the owner of such animal, or the person making such seizure.

When owner is not liable for fees.

Penalty for willful acts of other parties.

(2033.) SEC. 7. All acts or parts of acts inconsistent herewith are hereby repealed.

(2034.) SEC. 8. This act shall not apply to that portion of this State lying north of the tier of townships twelve north, unless so ordered by the board of supervisors of any county lying north of said tier of towns.

Territorial limit.

An Act to prevent the running at large of bulls, stallions, boars, and rams.

[Approved March 20, 1867. Laws of 1867, p. 98.]

(2035.) SECTION 1. *The People of the State of Michigan enact,* That if the owner of any bull, stallion, boar, or ram shall allow the same to go at large out of his inclosure, he shall forfeit the sum of five dollars for such offense, to be recovered on complaint before any justice of the peace of the county in which such owner may live, and twice that amount on any subsequent conviction: *Provided,* That such complaint shall be prosecuted within thirty days next after such animal shall be found at large as aforesaid.

Penalty.

Proviso.

Additional
penalty.

(2036.) SEC. 2. In addition to the penalty prescribed in the foregoing section, the owner of said bull, stallion, boar, or ram thus found going at large, shall be liable to the owner of any cow, mare, sheep, or swine, for any and all damages arising from the going at large of such animals as aforesaid, to be recovered on any suit brought before any court of competent jurisdiction.

CHAPTER LX.

THE DISPOSITION OF UNCLAIMED PROPERTY IN CERTAIN CASES.

Chapter one hundred and twenty-seven of Revised Statutes of 1846.

Description and
date of recep-
tion of property
to be entered in
certain cases.
1839, p. 112.
1840, p. 185.

(2037.) SECTION 1. Whenever any personal property shall be consigned to or deposited with any forwarding merchant, wharf-keeper, warehouse-keeper, tavern-keeper, or the keeper of any depot for the reception and storage of trunks, baggage, and other personal property, such consignee or bailee shall immediately cause to be entered in a book to be provided and kept by him for that purpose, a description of such property, with the date of the reception thereof.

When notice to
be given to
owner by letter.

(2038.) SEC. 2. If such property shall not have been left with such consignee or bailee for the purpose of being forwarded or otherwise disposed of according to directions received by such consignee or bailee, at or before the time of the reception thereof, and the name and residence of the owner of such property be known or ascertained, the person having such property in his custody shall immediately notify such owner by letter, to be directed to him, and deposited in a postoffice, to be transmitted by mail, of the reception of such property.

(2039.) SEC. 3. In case any such property shall remain unclaimed for three months after its reception as aforesaid, the person having possession thereof shall cause a notice to be published once in each week for four successive weeks in a newspaper published in the same county, if there be one, and if not, then in some paper published at the seat of government, describing such property, and specifying the time when it was so received, and stating that unless such property shall be claimed within three months from the first publication of such notice, and the lawful charges thereon paid, the same will be sold according to the statute in such case made and provided.

Notice, when and how to be published.

(2040.) SEC. 4. In case the owner or person entitled to such property shall not, within three months after the first publication of such notice, claim such property and pay the lawful charges thereon, including the expense of such publication, the person having possession of the property, his agent or attorney, may make and deliver to any justice of the peace of the same county, an affidavit, setting forth a description of the property remaining unclaimed, the time of its reception, the publication of the notice, and whether the owner of such property be known or unknown.

Proceedings if property remain unclaimed.

(2041.) SEC. 5. Upon the delivery to him of such affidavit, the justice shall cause such property to be opened and examined in his presence, and a true inventory thereof to be made, and shall make and annex to such inventory an order under his hand, that the property therein described be sold by any constable of the city or township where the same shall be, at public action, upon due notice.

Inventory and order for sale, when to be made by justice.

(2042.) SEC. 6. It shall be the duty of the constable receiving such inventory and order, to give ten days' notice of the sale, by posting up written notices thereof in three public places in the city or township, and to sell such property at public auction, for the highest price he can obtain therefor.

Constable to give notice and sell property.

(2043.) SEC. 7. Upon completing the sale, the constable making the same shall indorse upon the order aforesaid a return of his proceedings upon such order, and deliver the same to such justice, together with the inventory, and the proceeds of the sale, after deducting his fees, which shall be the same as upon an execution.

Return of constable.

(2044.) SEC. 8. From the proceeds of such sale, the justice shall pay the charges and expenses legally incurred in respect to such property, or a ratable proportion to each claimant, if there be not sufficient for the payment of the whole; and such justice shall ascertain and determine the amount of such charges in a summary

Disposition of proceeds, etc.

manner, and shall be entitled to one dollar for each day's services rendered by him in such proceedings.

Inventory, etc.,
to be delivered
to county treas-
urer.

(2045.) SEC. 9. Such justice shall deliver to the treasurer of the county in which the property was sold, the affidavit, inventory, and order of sale, and return hereinbefore mentioned, together with a statement of the charges and expenses incurred in respect to such property, as ascertained and paid by him, with a statement of his own fees, and shall at the same time pay over to such treasurer any balance of the proceeds of the sale, remaining after payment of such charges, expenses, and fees.

Entry, etc., to be
made by treas-
urer.

(2046.) SEC. 10. The treasurer shall file in his office and safely keep all the papers so delivered to him, and make a proper entry of the payment to him of all moneys arising from such sale, in the books of his office.

When owner
may receive
amount deposit-
ed with treas-
urer.

(2047.) SEC. 11. If the owner of the property sold, or his legal representatives, shall, at any time within five years after such moneys shall be deposited in the county treasury, furnish satisfactory evidence to the treasurer of the ownership of such property, he or they shall be entitled to receive from such treasurer the amount so deposited with him.

If amount not
paid to owner, to
be paid into the
State Treasury.

(2048.) SEC. 12. If the amount so deposited with any county treasurer shall not be paid to such owner or his legal representatives within the said five years, such county treasurer shall pay such amount into the State Treasury, to the credit of the general fund.

CHAPTER LXI.

FIRE DEPARTMENTS IN CITIES AND VILLAGES.

Chapter forty-eight of Revised Statutes of 1846.

(2049.) SECTION 1. Any person who was a fireman in any incorporated city or village in this State on the sixth day of February, one thousand eight hundred and forty-three, or at any time thereafter, and who shall have served for the term of seven years from that time, or from the time of his appointment, if appointed since that time, and every person who may hereafter be appointed a fireman in any such city or village, and serve as such fireman, shall, during the time of such service, be exempted from serving as a juror in any of the courts of this State, from the payment of any tax assessed against his person for labor on highways, and from the performance of all militia duty; and any fireman who shall serve a term of seven years shall forever thereafter be exempt from all militia duty, except in cases of invasion or insurrection.¹

Exemption of
firemen from
militia duty, etc.

(2050.) SEC. 2. It shall be lawful for the qualified voters of any such city or village, at their annual election of officers thereof, to authorize the common council, or other corporate board of such city or village, to raise a sufficient sum to pay each fireman therein the sum of five dollars; and thereupon such sum shall be levied and collected in the same manner as the other contingent expenses of such city or village are levied and collected.

Moneys may be
raised to com-
pensate firemen.

¹As amended by "An Act to amend section one, chapter forty-eight, title nine, of the Revised Statutes of 1846," approved January 24, 1853. Laws of 1853, p. 12.

Payment of
compensation.

(2051.) SEC. 3. Upon such provision being made for the payment of firemen, as provided in the preceding section, each fireman who shall produce a certificate from the foreman of his company, countersigned by the chief engineer of the fire department of such city or village, stating that he has well and faithfully performed his duties as such fireman during the year then next preceding, shall be allowed and paid out of the treasury of such city or village the said sum of five dollars as a compensation for his services.

Record to be
kept by recorder
or clerk.

(2052.) SEC. 4. The recorder or clerk of every such city or village shall keep an accurate record, in a book to be provided for that purpose, of the name, occupation, and residence of every fireman of such city or village, together with the date of his appointment, and a designation of the company to which he is attached; and whenever any fireman shall resign or be removed, it shall be so entered upon such record; and the appointment, resignation, or removal of every fireman shall also be entered on the minutes of the common council or other corporate board.

Certificate of
service.

(2053.) SEC. 5. It shall be the duty of the recorder or clerk of such city or village to deliver to every fireman who shall have served during the said term of seven years, as provided in this chapter, a certificate to that effect, signed by himself and the mayor of such city, or president of such village; which certificate shall be received as evidence in any of the courts of this State.

Taxes for pur-
chasing and re-
pairing engines.

(2054.) SEC. 6. It shall be lawful for the common council or other corporate board of each incorporated city or village, to levy and collect, by a tax upon all the taxable real and personal property within the limits thereof, in the manner prescribed in the charter of such city or village for the collection of taxes therein, such sums as may be necessary for the purchasing and repairing of fire-engines and other fire apparatus, and for defraying all other necessary expenses of the fire department thereof.

Fire companies
may make by-
laws, etc.

(2055.) SEC. 7. Every fire company shall have power to make such by-laws, rules, and regulations, not inconsistent with the laws of this State, for their government and discipline, and to prescribe such penalties for the violation thereof, not exceeding five dollars for any one offense, as they may deem necessary to the efficient accomplishment of the object of their organization; and they may sue for and collect such penalties in the name of the common council, or other corporate board of the city or village to which they belong.

Fire engines ex-
empted from ex-
ecution.

(2056.) SEC. 8. All fire-engines, and apparatus requisite for, and ordinarily used by fire companies in the extinguishment of fires,

which are now owned, or which may hereafter be purchased and owned, by any incorporated city or village, and kept for the use of any fire companies therein, and all water-works, with the buildings, machinery, and fixtures, and the ground occupied thereby, now owned, or which may hereafter be purchased and owned, by any incorporated city or village, and used or intended to be used for the supplying of water for the extinguishment of fires and the use of the inhabitants, shall be and are hereby exempted from levy or sale for any debt, damages, fine, or amercement whatever.

1843, p. 19, Sec. 8.
1844, p. 76, Sec. 1.

CHAPTER LXII.

CERTAIN MUNICIPAL REGULATIONS OF POLICE.

Chapter Forty-nine of Revised Statutes of 1846.

THEATRICAL EXHIBITIONS AND PUBLIC SHOWS.

(2057.) SECTION 1. The township board of any township, or the corporate board of any village, may, at any meeting held for that purpose, license theatrical exhibitions, public shows, and such other exhibitions as they deem proper, to which admission is obtained on payment of money, upon such terms and conditions as they shall think reasonable, and may regulate the same in such manner as they shall think necessary for the preservation of order and decorum, and to prevent any danger to the public peace; but no such license shall be in force for a longer time than the officers granting the same shall have been elected to office.

Township board, etc., may license shows and exhibitions.

(2058.) SEC. 2. Any person who shall set up or promote any such exhibition or show, or shall publish or advertise the same, or otherwise aid or assist therein, without a license first obtained, as provided in the preceding section, or contrary to the terms and

Penalishment for setting up shows without license.

conditions of such license, or while the same is suspended, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars.

GUNPOWDER.

Inhabitants of townships, etc., may make regulations in relation to keeping.

(2059.) SEC. 3. The inhabitants of every township or incorporated village may, at any regular meeting, order that no gunpowder shall be kept in any place within the limits of such township or village, unless the same shall be kept in tight casks or canisters; and that no gunpowder above the quantity of fifty pounds, shall be kept or deposited in any shop, store, or other building, or in any ship or vessel, which shall be within the distance of twenty-five rods from any other building, or from any wharf; that no gunpowder above the quantity of twenty-five pounds shall be kept or deposited in any shop, store, or other building, within ten rods of any other building; and that no gunpowder above the quantity of one pound shall be kept or deposited in any shop, store, or other building, within ten rods of any other building, unless the same shall be well secured in copper, tin, or brass canisters, holding not exceeding five pounds each, and closely covered with copper, brass, or tin covers.

When search-warrant may be issued.

(2060.) SEC. 4. Upon complaint made on oath to any justice of the peace, by any township or village officer, that he has probable cause to suspect that gunpowder is deposited or kept within the limits of the township or village; contrary to any such order, such justice may issue his warrant, directed to any constable of such township, or the marshal of such village, ordering him to enter any shop, store, or other building, or vessel specified in said warrant, and there to make diligent search for the gunpowder suspected to have been deposited or kept as aforesaid, and to make return of his doings to such justice forthwith.

Forfeiture for violating two preceding sections.

(2061.) SEC. 5. If any person shall commit either of the offenses mentioned in the two preceding sections, he shall forfeit a sum not exceeding twenty dollars; but the two preceding sections shall not extend to any manufactory of gunpowder, nor in any case prevent the transportation thereof through any township, or from one part of any township to another part thereof.

DOGS.

Regulations by township, etc., relating to dogs.

(2062.) SEC. 6. The inhabitants of any township or incorporated village may make such by-laws concerning the licensing, regulating, and restraining of dogs going at large, as they shall deem

expedient, and may affix any penalties, not exceeding ten dollars, for any breach thereof; but no such by-laws shall extend to any dog not owned or kept in such township, and no person shall be obliged to pay more than two dollars annually for any license granted under the provisions of this chapter.

(2063.) SEC. 7. All money received for the several licenses mentioned in this chapter, shall be paid to the treasurer, for the use of the township or village as the case may be. Moneys received for licenses to be paid to treasurer.

SEC. 8, 9.¹

¹An Act for the protection of sheep and other domestic animals, and for other purposes.

[Approved March 28, 1860. Laws of 1860, p. 156.]

(2064.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any person may kill any dog that he may see chasing, worrying, wounding, or killing any sheep, lambs, swine, cattle, or other domestic animal, out of the inclosure or immediate care of the owner or keeper, unless the same be done by the directions or permission of such owner or keeper; or any dog that may suddenly assault him while he is peaceably walking or riding anywhere out of the inclosure of the owner or keeper of such dog. When dogs may be killed.

(2065.) SEC. 2. If any dog shall have killed or assisted in killing, wounding, or worrying any sheep, lamb, swine, cattle, or other domestic animal, or that shall assault or bite or otherwise injure any person while traveling the highway, or out of the inclosure of the owner or keeper of such dog, such owner or keeper shall be liable to the owner of such property or person injured in double the amount of damages sustained, to be recovered in an action of trespass, or on the case, and it shall not be necessary, in order to sustain an action, to prove that the owner or keeper knew that such dog was accustomed to do such damage or mischief; and upon the trial of any cause mentioned in this section, the plaintiff and defendant may be examined under oath, touching the matter at issue, and evidence may be given as in other cases; and if it shall appear to the satisfaction of the court by the evidence, that the defendant is justly liable for the damages complained of under the provisions of this act, the court shall render judgment against such defendant for double the amount of damages proved, and costs of suit; but in no case shall the plaintiff recover more than five dollars costs. Owner liable for dogs killing domestic animals. Trial; parties may be examined. Judgment.

Owner shall
cause dog to be
killed.

(2066.) SEC. 3. The owner or keeper of any dog which has been chasing, worrying, wounding, or killing any sheep, lamb, swine, or cattle (not the property of such owner or keeper), out of his inclosure, or which has assaulted or bitten any person while peaceably walking or riding out of the inclosure of the owner or keeper, shall, within forty-eight hours after having received notice thereof in writing, cause such dog to be killed. For every neglect so to do, he shall forfeit the sum of three dollars, and the further sum of one dollar and fifty cents for every forty-eight hours thereafter, until such dog shall be killed, unless it shall satisfactorily appear to the court before which a suit shall be brought for the recovery of said penalty that it was not in the power of such owner or keeper to kill such dog. But no recovery shall be had, unless it shall satisfactorily appear that such dog has done the mischief of which such owner or keeper has had notice as aforesaid.

Penalty for neglect.

Supervisor to
sue for penalty.

(2067.) SEC. 4. Whenever a citizen of any township where the trespass has been committed, shall make a complaint in writing, verified by his oath or other testimony, to the satisfaction of the supervisor thereof, that a penalty imposed by the provisions of this act has been incurred, he shall commence a suit for the recovery thereof in his name of office, and prosecute the same with due diligence; and the moneys recovered shall be by him paid into the township treasury, to be applied towards the incidental expenses of the township.

Moneys to be
paid into town-
ship treasury.

Sections 8 and 9.
Chap. 49, R. S.
1846, repealed.

Proviso.

(2068.) SEC. 5. That sections eight and nine of chapter forty-nine of the Revised Statutes of eighteen hundred and forty-six, are hereby repealed: *Provided*, Such repeal shall not affect any action pending.

SEC. 6. This act shall take effect and be in force from and after its passage.

An Act to prevent the importation, running at large, and sale of diseased sheep.

[Approved March 20, 1863. Laws of 1863, p. 335.]

Penalty for im-
porting, etc.,
diseased sheep.

(2069.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for the owner of sheep, or any person having the same in charge, knowingly to import or drive into this State, sheep having any contagious disease; and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.

(2070.) SEC. 2. That any person being the owner of sheep, or having the same in charge, who shall turn out, or suffer any sheep having any contagious disease, knowing the same to be so diseased, to run at large upon any common, highway, or uninclosed lands, or who shall sell or dispose of any sheep, knowing the same to be so diseased, without first apprising the purchaser thereof of such disease, shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars nor more than one hundred dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.

Penalty for allowing diseased sheep to run at large.

(2071.) SEC. 3. Nothing in this act shall be so construed as to prevent the recovery of damages, in civil actions, against any person or persons who shall import or drive such diseased sheep into this State, or who shall allow such diseased sheep to run at large, or who shall sell such diseased sheep.

Damages in civil action.

CHAPTER LXIII.

THE PROTECTION OF FISH AND PRESERVATION OF FISHERIES.

An Act to protect fish and preserve the fisheries of this State.

[Approved March 21, 1865. Laws of 1865, p. 717.]

(2072.) SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for all persons to put into any of the waters of this State, where fish are taken, any offal, blood, putrid brine, putrid fish, or filth of any description; and any person so offending shall be fined in any sum not exceeding three hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.

Putting of offal, etc., into waters, prohibited.

Penalty.

Offal, how destroyed.

(2073.) SEC. 2. All fish, offal, or filth of any description whatsoever, accruing from the catching and curing of fish, shall be burned or buried ten rods distant from the beach or shore of the river or lake.

Size of meshes of nets.

(2074.) SEC. 3. The size of the meshes of all the lead of pound or trap nets, used in the waters of this State, shall not be less than five inches in extension, knot to knot; and the size of the meshes of all the pot of said nets, shall not be less than two and a half inches in extension, knot to knot, in pound or trap nets used for catching whitefish; and the size of the meshes of all the lead of pound or trap nets used in catching other kinds of fish, shall not be less than four inches in extension, knot to knot; and the size of the meshes of all the pot of said pound or trap nets, shall not be less than two inches in extension, knot to knot, under penalty and on pain of forfeiture of the nets, or fine not exceeding three hundred dollars, or both, at the discretion of the court: *Provided*, That the penalties of this section shall not apply or work injury to persons who are the present owners of pound or trap nets, but apply to all pound or trap nets hereafter manufactured.

Proviso.

Spawn, how deposited.

(2075.) SEC. 4. The spawn of all the whitefish caught shall be forthwith deposited, by all persons catching said fish, in the waters in or near the spawning places from which said fish were taken.

Speckled trout.

(2076.) SEC. 5. No speckled trout shall be killed at any time, by means of nets or seines, in any inland lake, river, or stream.

Penalty for offending against former sections.

(2077.) SEC. 6. Any act in contravention of sections two, four, and five of this act shall subject all parties concerned in the breach of the said sections, whether the actual transgressors or accessories, to a penalty of not more than one hundred dollars nor less than twenty-five dollars with all expense of prosecution, or to imprisonment in the county jail for a period not exceeding thirty days, or both, at the discretion of the court.

Board of supervisors to make regulations for fishing with nets

(2078.) SEC. 7. The board of supervisors of each, or a majority of them, shall, from time to time, make rules and regulations for regulating the fishing with pound or trap nets, gill nets and line, and all manner of fishing tackle carried on upon all lake and river shores, or upon any water adjacent to or passing through any county of this State.

License.

(2079.) SEC. 8. The board of supervisors of each county, or a majority of them, shall grant, on the application of any transient or non-resident person or persons, a written permission or license for one year, for each and every pound or trap net used, on pay-

ment of fifty dollars legal money. All persons concerned in the breach of this act, shall forfeit the sum of one hundred dollars, with all costs of suit. It shall be the duty of the board of supervisors, or a majority of them, to enforce the provisions of this act; and all moneys accruing from fishing licenses and forfeitures shall be paid over to the county treasurer.

Duty of board of supervisors.

(2080.) SEC. 9. All forfeitures occurring under sections one, two, three, four, five, six, eight, and nine of this act may be recovered by action of debt, with costs of suit, before any court of competent jurisdiction, one moiety thereof to the person who sues for the same, and the other moiety to be paid into the hands of the county treasurer, which [shall] be exclusively used as a pauper fund.

Forfeitures, how recovered.

To whom paid.

(2081.) SEC. 10. It shall be unlawful for any person or persons to put into any of the waters fronting or bordering land where fish are taken by the legal owner or occupant of such lands any vessel or ship ballast, stone, sand, coal cinder, ashes, log slabs, decayed wood, bark, sawdust, or obstruction, or filth of any other description, or to place or drive any pound-net piles or stakes, or any other piles or stakes, or posts, or build any platforms or piers, or any species of seines or continuous trap nets, to the extent of the breadth of such legal owner or occupant's lands so far as the channel banks of the rivers, and to one mile from the beach or shore, at low-water mark of the lakes, straits, inlets, and bays on said waters fronting such owner or occupant's lands, and it shall subject any boat owner, or captain of any vessel, to a fine of not exceeding fifty dollars, who shall willfully run into or molest any pound net, trap or other stationery nets, or fixtures set in the lakes for fishing purposes.¹

Placing obstructions in water where fish are taken, prohibited.

Penalty for molesting pound net.

(2082.) SEC. 11. Any person or persons offending against the provisions of section ten of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding one hundred dollars, or imprisonment in the county jail not more than ninety days, or both such fine and imprisonment, in the discretion of the court; and such person or persons shall also be liable civilly for all damages done such fishing grounds to the legal owners or occupants thereof, to be recovered in an action of trespass, in any court of the county where such fishing grounds may be situate, having jurisdiction thereof.¹

Penalties for offending against section ten of this act.

¹ As added by Act 94 of the Laws of 1869, p. 159, approved and took effect April 2, 1869.

An Act to prevent fishing with seines and every kind of continuous nets, in the waters of the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee, and Calhoun, or in any of the lakes, rivers, or streams of Macomb county.

[Approved March 9, 1867. *Laws of 1867, p. 53.*]

(2083.) SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful hereafter to fish with seines or any species of continuous nets in any of the inland lakes or small streams of the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee, and Calhoun, nor in any of the lakes, rivers, or streams of Macomb county.

Penalty.

(2084.) SEC. 2. Any person offending against any of the provisions of this act, shall, on conviction thereof, be liable to a fine of not more than one hundred dollars, or imprisonment in the county jail not more than sixty days, to be determined by a court of competent jurisdiction.

An Act to amend an act entitled "An act to amend an act to amend an act to prevent fishing with seines and every kind of nets, in certain counties in the State of Michigan," approved March sixteenth, eighteen hundred and sixty-one.¹

[Approved March 4, 1865. *Laws of 1865, p. 163.*]

Section amended

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "An act to amend an act entitled 'An act to prevent fishing with seines and every kind of nets, in certain counties in the State of Michigan,' " and approved March sixteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

Fishing with seines.

(2085.) SECTION 1. That it shall not be lawful hereafter to fish with seines, or any species of continuous nets, in any of the inland lakes or small streams of the counties of Jackson, Hillsdale, Washtenaw, Van Buren, Calhoun, Kalamazoo, Barry, Eaton, and the townships of Rollin, Medina, Seneca, Dover, Hudson, Cambridge, Franklin, and Woodstock, in Lenawee county.

Where prohibited.

Penalty for violation.

(2086.) SEC. 2. Any person offending against any of the provisions of this act shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or imprisonment in the county jail not over sixty days, to be determined by a court of competent jurisdiction.

SEC. 3. This act shall take immediate effect.

¹ This amendatory act inserted in the place of the original, as it supersedes it.

An Act to prevent fishing with seines, and pound or trap nets in the small inland lakes and streams in the State of Michigan.

[Approved March 16, 1865. Laws of 1865, p. 352.]

(2087.) SECTION 1. *The People of the State of Michigan enact,* Fishing with seines, etc., prohibited.
That it shall not be lawful hereafter to fish with seines, trap nets, pound nets, or any species of continuous nets, in any of the inland lakes or small streams of all the territory, according to the United States survey, north of the township line numbered twenty north.

(2088.) SEC. 2. Any person offending against the provisions of this act shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or imprisonment in the county jail not over sixty days, to be determined by a court of competent jurisdiction. Penalty for offending.

An Act to amend an act entitled "An act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State." ¹

[Approved March 21, 1865. Laws of 1865, p. 685.]

(2089.) SECTION 1. *The People of the State of Michigan enact,* Act amended.
That an act entitled "An act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams in this State," approved March sixteenth, in the year of our Lord eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows :

(2090.) SEC. 2. There shall be erected and maintained in each dam across any stream which by law is a public highway, by the owner or occupant thereof, or by those persons using the waters thereof, through the medium of any canal or race, sufficient and permanent shutes to admit the passage of fish in such stream during the months of April, May, and June in each year ; and if the owner of or occupant of any such dam, or person or persons using the water thereof, through the medium of any canal or race, shall neglect or refuse, for the period of sixty days, to construct and maintain such shutes, as aforesaid, whenever requested, in writing, so to do by any ten freeholders of the same county, such person or persons shall be deemed guilty of a misdemeanor, and for each and every sixty days that such person or persons shall so neglect or refuse, he or they shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court. ² Erection of shutes. Neglect to erect. Penalty.

¹ This amendatory act is inserted in the place of the original, as it supersedes it.

² As amended by Act 66 of the Laws of 1867, 'p. 94, approved March 20, 1867.

Penalty for obstructing streams with fishing apparatus.

(2091.) SEC. 3. Whoever obstructs the main channel or course of any river or creek, by placing therein nets or fishing apparatus of any kind whatever, for the purpose of taking or stopping fish of any kind, shall thereby incur, for each offense, a fine not exceeding twenty-five dollars; and in no case shall the said channel or course, so left open, be less than one-third of the whole breadth of the river.

An Act to prevent the obstruction of the free passage of fish along streams and inland rivers, by the interposition of fish weirs, weir dams, or weir nets.

[Approved March 30, 1869. Laws of 1869, p. 145.]

Penalties for obstructing passage of fish.

(2092.) SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful for any person or persons to place a weir dam, fish weir, or weir net, across any race, drain, stream, or inland river of this State, in such a manner as to obstruct the free passage of fish up and down the same; and any person violating the provisions of this act shall be liable to a penalty of not less than five nor more than fifty dollars for each such violation, and also for the payment of two dollars additional penalty for every day he shall continue to keep up such fish weir or weir net, in violation of this act, after having been duly notified by any elector of the township wherein such fish weir or weir net may be, feeling himself aggrieved thereby, to remove the same; said penalty or penalties to be recovered before any court of competent jurisdiction, in the township or county where such offense shall have been committed.

How recovered.

SEC. 2. This act shall take immediate effect.

CHAPTER LXIV.

THE PROTECTION OF GAME AND MUSKRATS.

An Act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl.

[Approved April 3, 1869. *Laws of 1869, p. 211.*]

(2093.) SECTION 1. *The People of the State of Michigan enact,* ^{When game may be hunted.} That no person or persons shall pursue, or hunt, or kill any wild elk, wild buck, doe, or fawn, save only during the months of September, October, November, and December, in each year, or kill or destroy, by any means whatever, or attempt to take or destroy any wild turkey at any time during the year, except in the months of September, October, November, and December, in each year; or kill or destroy, by any means whatever, any woodcock until after the fifth day of July, nor any prairie chicken, or pinnated grouse, ruffed grouse, commonly called partridge, or pheasant, or any wood duck, teal duck, or mallard duck, save only from the fifth day of August in each year to the first day of February next following.¹

(2094.) SEC. 2. No person or persons shall kill or destroy, or ^{ibid.} attempt to kill or destroy, any quail, sometimes called Virginia partridge, save only during the months of October, November, and December, in each year; and no person or persons shall kill or ^{Penalty for destroying quail.} destroy any quail in this State, at any time after the passage of this act, until the first day of October, eighteen hundred and seventy-two, under a penalty of five dollars for each quail destroyed.¹

¹ As amended by Act 185 of the Laws of 1871, p. 212, approved and took effect April 15, 1871.

Certain game
not to be snared,
etc.

(2095.) SEC. 3. No person or persons shall at any time, with a trap, or snare, or net, take any partridge, prairie chicken, wood duck, teal duck, mallard duck, or quail, or attempt to take, with any trap, snare, or net, any partridge, prairie chicken, or quail: *Provided however*, That it shall be lawful to trap quail and take them alive, for the purpose of keeping them alive through the winter, and for no other purpose whatever; and it shall also be lawful to take with a trap, snare, or net, any wood duck, teal duck, or mallard duck for breeding purposes.¹

Proviso.

Killing fowl with
swiveled guns,
etc., and robbing
nests prohibited.

(2096.) SEC. 4. No person or persons shall at any time kill or attempt to kill any wild duck, or other wild fowl, with or by means of a swivel or punt gun, or rob or destroy the nests of any wild ducks or wild geese, or in any manner kill or molest the same whilst they are sitting at night on their nesting places.

When game not
to be sold.

(2097.) SEC. 5. No person or persons shall sell, or expose for sale, or have in his or her possession for the purpose of selling or exposing for sale, any of the birds or animals protected by this act after the expiration of thirty days next succeeding the times limited and prescribed for the killing of any such birds or animals: *Provided however*, That it shall be lawful to expose for sale, and to sell, any live quail for the purpose of preserving the same alive through the winter.¹

Proviso.

Penalty for vio-
lating provi-
sions of this act.

(2098.) SEC. 6. Any person or persons violating any of the foregoing provisions of this act, shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of fifty dollars for each offense, and shall, on conviction thereof, stand committed to the common jail until such penalty is paid, provided that such imprisonment shall not exceed thirty days.

Entirely prohib-
iting any per-
son from killing
at any time, cer-
tain birds.

(2099.) SEC. 7. No person shall at any time, within this State, kill any robin, night-hawk, whippoorwill, finch, thrush, lark, sparrow, cherry bird, swallow, yellow bird, blue bird, brown thrasher, wren, martin, oriole, woodpecker, bobolink, or any song bird, nor rob the nests of such birds, under a penalty of five dollars for each bird so killed, and for each nest so robbed.

Penalty for
transporting at
certain times.

(2100.) SEC. 8. That any railroad, express company, or other common carrier, or any of their agents or servants, or other persons having any of the above named birds or animals in their possession for transportation, or shall transport the same, after the expiration of thirty days next succeeding the times limited and prescribed for the killing of such birds or animals, shall be punished by fine not less than ten dollars nor more than one hundred dol-

¹ Vide note to section 1 of this act.

lars: *Provided*, That such penalty shall not apply to the transportation of live quail which are to be kept alive through the winter, or to the transportation of such birds or animals *in transitu* through this State from other States where it is lawful to kill such birds or animals at the time of such transportation.¹

(2101.) SEC. 9. No person or persons shall use any gun or guns, or fire-arms, to maim, kill, or destroy any wild pigeon or pigeons, at or within one half-mile of the place or places where they are gathered in bodies for the purpose of brooding their young, known as pigeon nestings; and no person or persons shall use any gun, guns, or fire-arms, to maim, kill, or destroy any wild pigeon or pigeons within their roostings, anywhere within the limits of this State; and every person so offending against the provisions of this section, or any part thereof, shall be subject to a penalty of fifty dollars, with costs of suit.

Penalty for maiming pigeons near nestings, etc.

(2102.) SEC. 10. A prosecution may be brought by any person in the name of the people of the State of Michigan, against any person or persons violating any of the provisions of this act, before any justice of the peace of the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction; and it is made the duty of all prosecuting attorneys in this State to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders, on receiving information of the violation of any of the provisions of this act; and it is made the duty of sheriffs, under-sheriffs, deputy-sheriffs, constables, and police officers, to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating any of the provisions of this act.

Prosecution, how brought.

Prosecuting attorneys, duties of.

Sheriffs, etc., duties of.

(2103.) SEC. 11. The provisions of this act shall not apply to any person who shall kill any of the birds or animals protected by this act, for the sole purpose of preserving them as specimens for scientific purposes, nor to any person who shall collect the eggs or nests of any bird for such scientific purposes: *Provided*, That in a prosecution for the violation of any of the provisions of this act, it shall not be necessary for the prosecution to prove that the killing of the bird or animal, or the taking of the nest or eggs, as the case may be, was not done for scientific purposes.

Birds and animals may be killed for specimens, etc.

Provido.

(2104.) SEC. 12. All prosecutions under the provisions of this act shall be commenced within three months from the time such offense was committed.

Prosecutions to be made within three months.

¹ Vide note to section 1 of this act.

An Act to prevent fishing with seines and every kind of continuous nets, in the waters of the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee, and Calhoun, or in any of the lakes, rivers, or streams of Macomb county.

[Approved March 9, 1867. *Laws of 1867, p. 53.*]

(2083.) SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful hereafter to fish with seines or any species of continuous nets in any of the inland lakes or small streams of the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee, and Calhoun, nor in any of the lakes, rivers, or streams of Macomb county.

Penalty.

(2084.) SEC. 2. Any person offending against any of the provisions of this act, shall, on conviction thereof, be liable to a fine of not more than one hundred dollars, or imprisonment in the county jail not more than sixty days, to be determined by a court of competent jurisdiction.

An Act to amend an act entitled "An act to amend an act to amend an act to prevent fishing with seines and every kind of nets, in certain counties in the State of Michigan," approved March sixteenth, eighteen hundred and sixty-one.¹

[Approved March 4, 1865. *Laws of 1865, p. 163.*]

Section amended

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "An act to amend an act entitled 'An act to prevent fishing with seines and every kind of nets, in certain counties in the State of Michigan,'" and approved March sixteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

Fishing with seines.

(2085.) SECTION 1. That it shall not be lawful hereafter to fish with seines, or any species of continuous nets, in any of the inland lakes or small streams of the counties of Jackson, Hillsdale, Washtenaw, Van Buren, Calhoun, Kalamazoo, Barry, Eaton, and the townships of Rollin, Medina, Seneca, Dover, Hudson, Cambridge, Franklin, and Woodstock, in Lenawee county.

Where prohibited.

Penalty for violation.

(2086.) SEC. 2. Any person offending against any of the provisions of this act shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or imprisonment in the county jail not over sixty days, to be determined by a court of competent jurisdiction.

SEC. 3. This act shall take immediate effect.

¹ This amendatory act inserted in the place of the original, as it supersedes it.

An Act to prevent fishing with seines, and pound or trap nets in the small inland lakes and streams in the State of Michigan.

[Approved March 16, 1865. Laws of 1865, p. 352.]

(2087.) SECTION 1. *The People of the State of Michigan enact,* Fishing with seines, etc., prohibited.
That it shall not be lawful hereafter to fish with seines, trap nets, pound nets, or any species of continuous nets, in any of the inland lakes or small streams of all the territory, according to the United States survey, north of the township line numbered twenty north.

(2088.) SEC. 2. Any person offending against the provisions of this act shall, on conviction thereof, be liable to a fine of not over one hundred dollars, or imprisonment in the county jail not over sixty days, to be determined by a court of competent jurisdiction. Penalty for offending.

An Act to amend an act entitled "An act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State." ¹

[Approved March 21, 1865. Laws of 1865, p. 685.]

(2089.) SECTION 1. *The People of the State of Michigan enact,* Act amended.
That an act entitled "An act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams in this State," approved March sixteenth, in the year of our Lord eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows :

(2090.) SEC. 2. There shall be erected and maintained in each dam across any stream which by law is a public highway, by the owner or occupant thereof, or by those persons using the waters thereof, through the medium of any canal or race, sufficient and permanent shutes to admit the passage of fish in such stream during the months of April, May, and June in each year ; and if the owner of or occupant of any such dam, or person or persons using the water thereof, through the medium of any canal or race, shall neglect or refuse, for the period of sixty days, to construct and maintain such shutes, as aforesaid, whenever requested, in writing, so to do by any ten freeholders of the same county, such person or persons shall be deemed guilty of a misdemeanor, and for each and every sixty days that such person or persons shall so neglect or refuse, he or they shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court. ² Erection of shutes. Neglect to erect. Penalty.

¹ This amendatory act is inserted in the place of the original, as it supersedes it.

² As amended by Act 66 of the Laws of 1867, 'p. 94, approved March 20, 1867.

who died suddenly before making himself known; but the dead body shall in all such cases be buried.

How used.

(2112.) SEC. 3. It shall not be lawful for any person so receiving a dead body to use the same except for the prosecution of anatomical science, or elsewhere than in this State; and after having been so used, the remains thereof shall be decently buried; but in no case shall such dead body be so delivered when there are any friends or relations of such deceased person known to such board or officers.

Permission to possess.

(2113.) SEC. 4. Any practicing physician or surgeon of this State, or any medical student under the authority of such physician or surgeon, may have in his possession human dead bodies, or the parts thereof, lawfully obtained, for the purposes of anatomical inquiry or dissection.

CHAPTER LXVI.

TRESPASS UPON CRANBERRY MARSHES.

An Act to prevent trespass upon cranberry marshes.

[Approved March 17, 1869. Laws of 1869, p. 58.]

Penalties for trespass.

(2114.) SECTION 1. *The People of the State of Michigan enact,* That if any person shall enter the premises of any other person, and take and carry away cranberries or cranberry vines there growing, shall trample or otherwise injure or destroy the cranberry vines growing thereon, without the permission of the owner or occupant of said premises, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not less than five days, or by fine not less than five dollars, and costs of prosecution, or both such fine and imprisonment, in the discretion of the court; and if any of the

offenses mentioned in this section shall be committed on the first day of the week, or in disguise, or secretly in the night-time, between sun-setting and sun-rising, on conviction thereof the punishment shall not be less than twenty dollars fine, or imprisonment in the county jail not less than ten days, or both, at discretion of the court. Further penalties.

(2115.) SEC. 2. Any person who shall commit any of the acts of trespass in section one of this act, shall be liable in treble damages, in an action of trespass to be brought in the name of the owner or occupant of the land upon which said trespass may have been committed. Treble damages.

SEC. 3. This act shall take immediate effect.

CHAPTER LXVII.

THE DESTRUCTION OF WOLVES, AND OTHER NOXIOUS ANIMALS.

Chapter fifty-one of Revised Statutes of 1846.

(2116.) SECTION 1. Every person, being an inhabitant of this State, who shall kill a full-grown wolf, or a wolf's whelp, in any organized township in this State, shall be entitled to a bounty of eight dollars for each wolf over three months old, and four dollars for each wolf's whelp under the age of three months, to be allowed and paid in the manner hereinafter provided. Bounty for killing wolves, etc.

(2117.) SEC. 2. Every person intending to apply for such bounty shall take such wolf or wolf's whelp killed by him, or the head thereof, with the ears and skin entire thereon, to one of the justices of the peace of the township within which such wolf or whelp shall have been taken, who shall thereupon associate with him another justice, or an assessor, or commissioner of highways of such township, to act with him in deciding upon such application. Wolf or wolf's head, etc., to be taken to justice.

Examination of applicant.

(2118.) SEC. 3. The person claiming such bounty shall then be sworn by such justice, and state on oath the time and place when and where every wolf and wolf's whelp, for which a bounty is claimed by him, was taken and killed; and he shall also submit to such further examination on oath, concerning the taking and killing of such wolf or whelp, as the justice and officer associated with him may require, and the statement made by him shall be reduced to writing in the form of an affidavit, which shall be subscribed by the person making it.

When certificate to be given.

(2119.) SEC. 4. If it shall appear to the justice and officer associated with him, that the wolf or whelp was taken and killed within such township by the person applying for such bounty, and that the mother of any such whelp was not taken before she brought forth the same, they shall cut off and burn to ashes the ears and scalp of such wolf or whelp, and deliver to the person so applying a certificate of the facts, and whether the same was over or under the age of three months when taken, annexing thereto the original affidavit made and subscribed by such person.

Certificate to be delivered to supervisor.

(2120.) SEC. 5. Such certificate, with the affidavit annexed, shall, within fifteen days after the date thereof, be delivered to one of the supervisors of the same county; and if such supervisor shall doubt the correctness of the certificate or affidavit, he shall give notice to the person claiming the bounty to give further evidence of the correctness thereof, and shall retain the papers in his hands until such further proof shall be made.

Certificate to be laid before board of supervisors, etc.

(2121.) SEC. 6. If such supervisor shall have no doubt as to the correctness of such certificate and affidavit, or if his doubts shall be removed by further proof, he shall lay such certificate and affidavit before the board of supervisors at their next meeting, and if the board shall be satisfied that such certificate and affidavit are just and correct, they shall award to the person to whom such certificate shall have been granted the bounty above specified, and shall cause the certificate and affidavit to be filed with their clerk.

Duplicate certificates of bounties to be delivered to treasurer, and bounties paid.

(2122.) SEC. 7. Duplicate certificates, stating all the bounties that shall have been allowed by the board at any meeting, shall be made under their direction, and after being signed by their chairman and clerk, shall be delivered to the county treasurer, who shall thereupon pay to the several persons named in such certificate, out of any moneys in the treasury for defraying the contingent expenses of the county, the bounties to them respectfully allowed.

One-half of bounty to be charged to State Treasurer, etc.

(2123.) SEC. 8. The county treasurer shall charge to the Treasurer of the State the one-half of all the bounties allowed by the board of supervisors, and shall transmit an account thereof to the

Auditor General, accompanied by one of the duplicate certificates received from the board of supervisors; and shall also procure and transmit with such account, a certified copy of the original certificates and affidavits filed with the clerk of the board of supervisors, upon which the bounties mentioned in such account shall have been allowed.

(2124.) SEC. 9. The Auditor General shall examine every account so transmitted to him, and if he shall discover any defect or irregularity, which shall induce him to believe the same ought not to be allowed, he may suspend, in whole or in part, as he may think proper, the payment of such account, until satisfactory proof be made to him, by affidavit or otherwise, of the justice of such account; and if the further proofs produced to him shall not be satisfactory, he shall reject such portion of the account as shall have been suspended, and his decision thereon shall be final and conclusive.

Auditor General to examine accounts, etc.; proceedings thereon.

(2125.) SEC. 10. Every sum audited and allowed by the Auditor General, upon any such account, not exceeding the one-half of the bounties allowed by the board of supervisors, shall be paid out of the Treasury of the State to the treasurer of the county from which such account was transmitted.

Sums audited to be paid out of State Treasury.

(2126.) SEC. 11. The boards of supervisors of the several counties of this State shall have power, at the expense of their respective counties, to award and allow such other and further bounties for the destruction of wolves, wolf whelps, and such bounties for the destruction of panthers and other noxious animals within their respective counties, as they may think proper; and the same proof shall be required in such case as is hereinbefore prescribed, and such additional and other bounties, when duly allowed and certified, shall be paid out of the county treasury.¹

Additional bounties.

(2127.) SEC. 12. If any justice of the peace, or other officer, who shall be applied to for a certificate under the provisions of this chapter, shall willfully give a false certificate in the premises, such justice or other officer shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year.

Giving false certificate, a misdemeanor.

(2128.) SEC. 13. The township boards of the several townships of this State shall have power, at the expense of their respective townships, to award and allow such other bounties for the destruction of wolves, wolf whelps, and such bounties for the destruction

Bounties; what township board may allow.

¹ See subdivision 13, of section 477, p. 288.

How paid.	of panthers and other noxious animals, within their respective townships, as the qualified electors of each shall have voted at the annual township meeting next preceding; and such additional and other bounties, when duly allowed and certified in such manner as the township board may prescribe, shall be paid out of the township treasury: <i>Provided</i> , That neither of the bounties provided for in this section shall exceed in amount the sum of two dollars. ¹
Proviso.	

CHAPTER LXVIII.

PREVENTING THE SPREAD OF CANADA THISTLES.

An Act to prevent the spreading of Canada thistles in the State of Michigan.

[Approved March 17, 1863. Laws of 1863, p. 183.]

Owner or occupant to cut down thistles.	(2129.) SECTION 1. <i>The People of the State of Michigan enact</i> , That it shall be the duty of every owner, possessor, or occupier of land, to cut, or cause to be cut down, all the Canada thistles growing thereon, or on the highway passing by or through the same, so often in each and every year as shall be sufficient to prevent them
Penalty for suffering them to grow.	going to seed; and if any owner, possessor, or occupier of land shall knowingly suffer any such Canada thistles to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, he shall, on conviction, be liable to a fine of ten dollars for every such offense.
Duties of overseers or commissioners of highways.	(2130.) SEC. 2. It shall be the duty of the overseers or commissioners of highways in any township, to see that the provisions of this act shall be carried out within their respective highway districts; and they shall give notice to the owner, possessor, or occupier of any land within said district, whereon Canada thistles shall

¹ This section added by Act 129 of the Laws of 1860, p. 226, and amended by Act 9 of the Laws of 1871, p. 9, approved January 27, 1871.

be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice; and in case such owner, possessor, or occupier shall refuse or neglect to cut down the said Canada thistles, the overseer or commissioners of highways shall enter upon the land and cause all such Canada thistles to be cut down, with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor: *Provided*, That where such Canada thistles are growing upon non-resident lands, it shall not be necessary to give notice before proceeding to cut down the same. Proviso.

(2131.) SEC. 3. Each overseer or commissioner of highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding section of this act, with respect to each parcel of land entered upon therefor, and shall offer a statement of such expense, describing, by its legal description, the land entered upon, and verified by oath, to the owner, possessor, or occupier of such resident lands, requiring him to pay the amount. In case such owner, possessor, or occupier shall refuse or neglect to pay the same within thirty days after such application, said claim shall be presented to the township board of the township in which such expense was incurred, and said township board is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general township purposes of said township, out of any moneys in the township treasury not otherwise appropriated. The said overseer or commissioners of highways shall also present to the said township board a similar statement of the expense incurred by him in carrying out the provisions of said section, upon any non-resident land, and the said township board is hereby authorized and required to audit and allow the same in like manner. Expenses incurred; account of, to be kept. Allowance of.

(2132.) SEC. 4. The supervisor of the township shall cause all such expenditures as have been so paid from the township treasury, under the provisions of this act, to be severally levied on the lands so described in the statements of the overseers or commissioners of highways, and to be collected in the same manner as delinquent highway taxes are collected; and the same, when collected, shall be paid into the township treasury to reimburse the outlay therefrom aforesaid. Expenses paid, to be levied on lands.

(2133.) SEC. 5. Any person who shall knowingly vend any grass or other seed, among which there is any seed of the Canada thistle, shall, for every such offense, upon conviction, be liable to a fine of twenty dollars. Penalty for selling seed among which there is seed of the thistle.

Penalties. to law, any such liquor, he shall forfeit and pay, on the first conviction, twenty-five dollars and the costs of suit or prosecution, and shall be at once committed to the common jail of the county until the same be paid. On the second conviction for the like offense, he shall forfeit and pay fifty dollars and the costs of suit or prosecution, and shall be committed as aforesaid until the same be paid. On the third and every subsequent conviction, he shall forfeit and pay one hundred dollars and costs, and shall, in addition to such forfeiture, be imprisoned in such jail not less than three nor more than six months: *Provided*, That on a first or second conviction, such person shall not be committed for more than three months from the date of the conviction: *Provided*, That it shall in

Proviso. no case be any defense that the person has been before convicted one or more times, but he may be prosecuted at any time, or any number of times, as for a first offense, if the several prosecutions are for distinct offenses. Any person who shall be drunk or intoxicated in any hotel, tavern, inn, saloon, or place of public business, or in any assemblage of people collected together in any place for any purpose, or in any street, lane, alley, highway, or railway car, by drinking intoxicating liquors, shall, on conviction thereof, be punished by a fine of five dollars and the costs of prosecution, or be punished by imprisonment in the common jail of the county not exceeding twenty days, or both such fine and imprisonment, in the discretion of the court.¹

Penalty for being common seller or manufacturer. (2139.) SEC. 4. Every person who shall be a common seller, by himself, his clerk, agent, or servant, of any such liquors, and every person who shall be a manufacturer thereof, shall, on each conviction, forfeit and pay double the amount specified in the last preceding section, with the costs of suit or prosecution; and on the two first convictions he shall be committed to such common jail until the same be paid, and on the third or any subsequent conviction he shall, in addition to the forfeiture, be imprisoned in such jail for six months: *Provided*, That a person convicted under this section shall not, on either a first or second conviction, be held committed for more than three months from the date of the conviction.

Proviso.

Judgment and costs to be paid notwithstanding imprisonment. (2140.) SEC. 5. Notwithstanding such commitment, or such imprisonment, provided for in the two last preceding sections, the sum so adjudged against the person convicted, and such costs,

¹ As amended by Act 196 of the Laws of 1871, p. 368, approved and took effect April 30, 1871.

ever name or nature, and all contracts or agreements relating thereto, hereafter made, the consideration whereof, either in whole or in part, shall have been the sale or agreement to sell any such liquor, shall be utterly null and void against all persons and in all cases, excepting only as against the holders of negotiable securities or the purchasers of property who may have paid therefor a fair price, and received the same upon a valuable and fair consideration, without notice or knowledge of such illegal consideration; nor shall any suit at law or in equity be had or maintained upon any contract or agreement whatever, hereafter made, the consideration whereof shall be either wholly or in part the sale of such liquors in violation of law, excepting only when such suit is brought by such *bona fide* holders of negotiable paper, or purchase of property without notice; nor shall any demand arising upon any such contract or agreement whatever be offered or allowed as a set-off or defense in any action. That every wife, child, parent, guardian, husband, or other person, who shall be injured in person, property, means of support, or otherwise, by any intoxicated person, or by reason of the intoxication of any person, shall have a right of action in his or her own name against any person or persons who shall, by selling or giving any intoxicating liquor or otherwise, have caused or contributed to the intoxication of such person or persons; and in any such action the plaintiff shall have a right to recover actual and exemplary damages. And the owner or lessee, or person or persons renting or leasing any building or premises, having knowledge that intoxicating liquors are to be sold therein at retail as a beverage, shall be liable, severally or jointly, with the person so selling or giving intoxicating liquors, as aforesaid. And in every action by any wife, husband, parent, or child, general reputation of the relation of husband and wife, parent and child, shall be *prima facie* evidence of such relation, and the amount recovered by every wife or child shall be his or her sole and separate property. Any sale or gift of intoxicating liquors by the lessee of any premises, resulting in damage, shall, at the option of the lessor, work a forfeiture of his lease; and the circuit court in chancery may enjoin the sale or giving away of intoxicating liquors by any lessee of premises which may result in loss, damage, or liability to the lessor or any person claiming under such lessor.¹

(2138.) SEC. 3. If any person, by himself, his clerk, agent, or servant, shall, directly or indirectly, sell, or keep for sale, contrary

Exception.

Unlawful sale of liquors a bar to suit upon contract in certain cases.

Set-offs.

Who may bring actions for actual and exemplary damages.

Owner, etc., of building, jointly liable.

Evidence of relationship.

Forfeiture of lease for sale or gift of liquors.

Lessee may be enjoined.

Penalties.

¹ As amended by Act 196 of the Laws of 1871, p. 363, approved and took effect April 30, 1871.

Penalties. to law, any such liquor, he shall forfeit and pay, on the first conviction, twenty-five dollars and the costs of suit or prosecution, and shall be at once committed to the common jail of the county until the same be paid. On the second conviction for the like offense, he shall forfeit and pay fifty dollars and the costs of suit or prosecution, and shall be committed as aforesaid until the same be paid. On the third and every subsequent conviction, he shall forfeit and pay one hundred dollars and costs, and shall, in addition to such forfeiture, be imprisoned in such jail not less than three nor more than six months: *Provided*, That on a first or second conviction, such person shall not be committed for more than three months from the date of the conviction: *Provided*, That it shall in

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Proviso.

Judgment and costs to be paid notwithstanding imprisonment.

(2140.) SEC. 5. Notwithstanding such commitment, or such imprisonment, provided for in the two last preceding sections, the sum so adjudged against the person convicted, and such costs,

¹ As amended by Act 196 of the Laws of 1871, p. 868, approved and took effect April 30, 1871.

shall be and remain a valid judgment, upon which execution may issue against his property.

SEC. 6, 7.¹

(2141.) SEC. 8. Any justice of the peace of the county, or any municipal or police court of any city or village, shall have jurisdiction and authority to hear, try, and determine all cases arising under this act, occurring in any part of the county in which said justice resides, or in which said court sits, except for a breach of the recognizance specifically mentioned in section twelve (of which the circuit court shall have jurisdiction). The suit shall be brought in the name of the people of the State of Michigan, in an action of debt, and may be instituted by any person who is a resident of such county; and all parties to such proceedings shall be competent witnesses in the case. Such suit may be instituted by the prosecuting attorney of the proper county; and it shall be the duty of the common council, attorney, or alderman of any city, the board of trustees of any village, and each one of them, and the supervisor of any township, when any offense under the provisions of this act shall have been committed, who shall have knowledge thereof or reasonable evidence by affidavit thereof served upon him, to institute such suit without delay; and the said supervisor or any person making such complaint is hereby authorized to employ an attorney to assist him in the prosecution of such suit, except in the township where the prosecuting attorney for the county resides; and there shall be paid to the attorney so employed, or to the prosecuting attorney when called upon to prosecute any such suit out of the township where he resides, in addition to his salary, out of any funds in the county treasury not otherwise appropriated, a sum not exceeding ten dollars in any one suit wherein the prosecution obtain a judgment, and such attorney fee shall be taxed as a part of the cost against the defendant, and paid with the fine into the county treasury.²

Jurisdiction of justices of the peace, etc.

Exception.

How suit shall be brought.

Who shall be competent witnesses.

Who shall bring suit.

When supervisor or may employ attorney.

Attorney's fees.

Same taxed as part of costs.

(2142.) SEC. 9. Whenever a complainant is required by the provisions of this act to state facts and circumstances for the information of any court or magistrate to whom such complaint is made, and he shall be unable of his own knowledge to state sufficient facts and circumstances to authorize the issuing of a warrant, such court or magistrate may, after the making of any such complaint,

Witnesses may be required to testify on complaint.
10 Mich. 208.

¹ Repealed by act of February 17, 1837. They contained the "Search and Seizure Clauses," so called.

² As amended by Act 71 of the Laws of 1871, p. 90, approved and took effect March 31, 1871.

issue subpoenas directed to, and compel in the usual manner, the attendance of witnesses, who may be required to testify to the best of their knowledge concerning such facts and circumstances.

Suit may be commenced by summons or warrant.

(2143.) SEC. 10. Any suit under this act may be commenced by summons or by warrant, before any justice of the peace, or any municipal or police court, and all the proceedings of law relative to process and proceedings in justices' courts, in civil actions, and all other provisions of law applicable to such cases, not repugnant to this act, shall, so far as may be, apply to all the proceedings therein; but it shall not be necessary to pay or tender any fees to any witness subpoenaed in any case arising under the provisions of this act; and if such witness shall neglect or refuse to obey such subpoena, an attachment may issue against him as in other cases. It shall not be necessary for either party to advance any jury fees before the rendition of judgment in such cases, or in any case arising under this act.

Witness or jury fees need not be tendered.

The following form of complaint shall be sufficient to authorize the issuing of a warrant against person or persons complained of. to wit:

Form of complaint.

STATE OF MICHIGAN, } ss.
County of

being duly sworn, says that he is a resident (supervisor, etc., as the case may be) of the (township, village, or city) of in said county, and that he verily believes that did at between the day of A. D. 18 and the day of A. D. 18, not including a period over thirty days, sell certain (spirituous or intoxicating) liquors, in violation of an act entitled "An act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage;" and such complaint shall also set forth the facts and circumstances upon which such belief is founded.

It shall not be necessary to describe in such complaint, or in the warrant issued thereon, the particular kind of liquor alleged to have been sold, or to state whether the offense is the first or any subsequent one, or the day on which, or the person to whom, such liquor was sold. And any suit arising under this act may be commenced and prosecuted within the circuit court of the proper county, in the same manner and with the like effect as in other cases; and said circuit court shall have jurisdiction concurrently with such justices of the peace, municipal or police court, to hear, try, and determine such suit. Such action may be commenced in such circuit court by capias, upon filing an affidavit substantially

Circuit court to have concurrent jurisdiction.

the same as provided in this section, to be made before justices of the peace. Before such capias shall issue, a declaration shall be filed in said cause, in substance as hereinafter set forth, and a copy thereof shall be served upon the defendant at the same time the capias is served. Special bail shall be required in double the amount claimed in such declaration. Any person authorized to institute or commence such suit may appear therein in person, and prosecute the same, or may have an attorney or attorneys for such purpose.

The declaration herein mentioned may be in the following form, to wit:

The circuit court for the county
court, as the case may be).

(or other Form of declaration.)

County of ss. The People of the
State of Michigan complain of in an
action of debt, and say that the same justly
owes them the sum of dollars, for a
forfeiture which he has incurred by selling spirituous or intoxicating liquors (or for whatever offense the suit may be brought), at
in said county, between the
day of A. D. 18 , and the
day of A. D. 18 , (including a
period of not more than thirty days), in violation of section
of an act entitled "An act to prevent the manufacture and
sale of spirituous or intoxicating liquors as a beverage," wherefore
they bring suit.

By Prosecutor (or Attorney).

And if such suit shall be brought for a second or subsequent offense, the following additional averment, in substance, shall be deemed sufficient:

And the said people further say that the said
has heretofore been once (or twice, as the case may be) convicted
of a like offense, to wit: at on the
day of A. D. 18 , before

On the trial of any such cause, it shall not be necessary to aver Proof on trial.
or prove the sale of any particular kind of liquor by name, or the
day on which or to whom it was sold; and proof of the manufac-
ture, use, or sale, or keeping for sale of any mixed liquors shall be
construed to be included under the description of spirituous or
intoxicating liquors.

(2144.) SEC. 11. Any forfeiture under this act may be recovered Forfeiture may be recovered by indictment.
by indictment, as for a misdemeanor; and upon conviction, the

court shall adjudge and order the defendant to pay the same sums, to be committed and imprisoned in the same manner as when the proceeding is by action of debt; and such judgment, and the execution thereon, shall have the like effect.

Writs of error
and appeals al-
lowed.
4 Mich. 556.

(2145.) SEC. 12. In all actions herein provided for, the prosecutor may take an appeal, or writ of error in the name of the People of the State of Michigan, upon the same terms and conditions as if he was plaintiff; and the defendant may likewise take an appeal or writ of error, and any such appeal or writ of error shall be taken within the same time, upon the same conditions, and in the same manner as in any other civil action: *Provided*, That the defendant, before any appeal or writ of error shall be allowed or considered as taken, and within the time for taking such appeal or writ of error, in addition to any other act or recognizance which may be required by law, shall enter into a recognizance in the sum of two hundred dollars, with two good and sufficient sureties, to the satisfaction of the court from the judgment of which such appeal or writ of error is taken, conditioned that such defendant will not, during the pendency of such appeal or writ of error, violate any of the provisions of this act; which recognizance shall be sent up with the other papers in the case, on an appeal to the circuit court; and in case of a writ of error, it shall be filed with the clerk of the court in which said judgment was rendered. It shall be the duty of the prosecuting attorney of the county to bring a suit for any breach of the recognizance last mentioned, whenever he shall be informed that the condition thereof has been broken; and it shall be his duty to prosecute all suits arising under this act, brought into the circuit court, whether by appeal or otherwise: *Provided*, That he shall in no case have the power to enter a *nolle prosequi* or discontinuance, without leave of the court, and for reasons therefor, presented to the court in writing, and filed in the cause.

Proviso.

Recognizance to
be given by de-
fendant.

Prosecuting at-
torney to sue for
breach, and to
prosecute suits
for penalties in
the circuit court.

Proviso.

Rules and prac-
tice of court
same as in oth-
er cases.

(2146.) SEC. 13. In every court, in actions of debt arising under this act, the powers of the court, the rules of practice, and the trial and other proceedings shall be the same as in other civil actions, and the costs shall be the same in amount, and taxed in the same manner. In any municipal or police court, the powers of the court and the whole proceedings shall be the same as in such cases before justices' courts, and whenever the circuit court is mentioned in this act, the district court of the Upper Peninsula shall be considered as equally intended.

(2147.) SEC. 14. Every seller of drugs and medicines shall be held to be included in all the prohibitions and penalties of this act, against the selling of spirituous or intoxicating liquors, or mixed liquors, a part of which is spirituous or intoxicating, excepting only those persons whose sole or principal business is the selling of drugs and medicines other than intoxicating liquors, who shall in person, with two or more sufficient sureties, give bond to the people of the State of Michigan, and cause the same to be filed in the office of the county clerk, in the sum of not less than five hundred dollars in any township, or one thousand dollars in any city or incorporated village where he carries on such business. Any partners may execute such bond jointly; which bond shall be in the following form: Know all men by these presents, that we as principal, and and as sureties, are held and firmly bound unto the people of the State of Michigan, in the sum of dollars to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated this day of A. D. 18 . Whereas, the above named principal is now carrying on, and proposes to continue, the business of selling drugs and medicines in in the county of and whereas, the said principal hath covenanted and agreed, and doth hereby covenant and agree as follows, to wit: that he will not, directly or indirectly, by himself, his clerk, agent, or servant, at any time, sell any spirituous or intoxicating liquors, or any mixed liquor, a part of which is spirituous or intoxicating, except to be used as a medicine, as a chemical agent in scientific, mechanical, or manufacturing purposes, or of wine for sacramental purposes. That he will not sell the same to any person who he knows, or has good reason to believe, intends to use it as a beverage, or for any other purposes than such as are herein expressed, or to any person to be drunk, for any purpose, upon the premises. That he will not sell any such liquor to a minor, unless upon the written order of his father, mother, guardian, or family physician. That he will keep a book containing a list, in writing, of the names of all persons who shall, from time to time, purchase any such liquor of him, his clerk, agent, or servant, and of the persons who act as their agents in such purchase, together with the quantity and kind of liquor purchased on each and every occasion, and the declared object for which the same was purchased; which list shall, on demand be exhibited to any elector of the township, city, or village. And that he will not, in any case, sell or deliver

Sellers of drugs and medicines included in prohibition, unless they give bond. 12 Mich. 63.

Form of bond.

any such liquor, for any purpose whatever, to any person known to him to be an habitual drunkard, or a person in the habit of getting intoxicated. Now the condition of this obligation is such that if the said principal shall well and truly keep and perform, all and singular, the foregoing covenants and agreements, then this obligation shall be void and of no effect; otherwise, the same shall be in full force and effect.

Signed and sealed in presence of)

[L. S.]

[L. S.]

[L. S.]

Bond to be approved.

Such bond shall afford such principal no protection, unless the approval thereof by the township board or the board of trustees or common council of the village or city shall be duly certified thereon, in writing, and he shall not be allowed to sell such liquor in any other place, on pain of forfeiting the same amounts, and being proceeded with in the same manner as if no such bond had been given

Breach of bond to be prosecuted.

Whenever any condition of such bond shall be broken, it shall be the duty of the prosecuting attorney of the county to put the same in suit, and collect the amount thereof by due course of law; and from the time of such breach, said bond shall afford said principal no protection against any suit or prosecution under this act. It shall be the duty of such seller of drugs and medicines, his clerk, agent, or servant, whenever applied to to sell any such liquor, to inquire of the person so applying for what purpose or use the same is intended, and it shall be the duty of such applicant to inform him truly; and in case such applicant shall, in answer to such inquiry, make a false statement, he shall be liable to the same forfeitures that are provided in section three, for the unlawful selling of such liquors, which forfeitures may be enforced in the same manner and with like consequences, as those mentioned in said section. And if such applicant shall omit or refuse to answer, and such seller of drugs and medicines shall, notwithstanding, sell and deliver to him any such liquors, he shall lose all protection by virtue of such bond, and may be proceeded against in the same manner as if the same had not been given.

Duty of drug gist when applied to for liquor.

Penalty if applicant makes false statement.

Druggist not to sell to persons in the habit of getting intoxicated.

If any person is in the habit of getting intoxicated, and any member of his family, or three other persons, shall make complaint on oath or affirmation, to any member of the township board, trustee, or common council of any township, city, or village, in any county, that said person is in the habit of getting intoxicated, it shall be the duty of said member of the common council, trustee, or township board, to

make summary inquiry on due notice, to the person charged with being in the habit of getting intoxicated, and if the fact be found as charged in the complaint, forthwith to forbid all sellers of drugs or medicines in such township, village, or city, to sell such person any such liquors, for any purpose whatever; and if such seller of drugs or medicines shall, after being notified as aforesaid, sell such person any such liquor, he shall be proceeded against for an unlawful sale, as in other cases.

(2148.) SEC. 15. The giving away of intoxicating liquors, or any other shift or device with intent to evade the provisions of this act, shall be deemed an unlawful selling, within the meaning of this act, and every person who, as clerk, agent, or servant of another, shall sell any such liquor, shall be deemed equally guilty as his principal, and may be prosecuted for such selling. And if any person shall knowingly solicit or encourage any person who has previously used intoxicating drinks habitually or injuriously, to use as a beverage any such liquors; or if he shall voluntarily, directly or indirectly, give any such liquors, or cause the same to be given to such person, or shall, with the intention of having such person drink or use them, place any such liquors, or cause or procure the same to be placed where such person may obtain them to be used as a beverage, such person so offending shall be subject to the penalties and forfeitures provided in this act against selling such liquors.

Giving away
intoxicating
liquors, etc.,
deemed unlawful
selling.

Clerks or agents
liable for selling.

Soliciting intem-
perate persons to
drink, punished.

(2149.) SEC. 16. Whenever complaint shall be made on oath, before any justice of the peace in any county, or any municipal or police court of any city or village, that any person is found intoxicated in any tavern, store, shop, public building, street, alley, highway or place, other than a private dwelling-house; or where complaint on oath shall be made before such justice, municipal, or police court, by the wife, or by any child of sufficient age and discretion to make oath, of any person found intoxicated in any dwelling-house in such county, it shall be the duty of such justice, municipal or police court to issue a subpœna to compel the attendance of such person so found intoxicated as aforesaid, to appear before the justice or court issuing the same, to testify in regard to the person or persons, and the time when, the place where, and the manner in which the liquor producing his intoxication was procured; and if such person, when subpœnaed, shall neglect or refuse to obey such writ, the said justice or court who issued the same shall have the same power and authority to compel the attendance of the person so subpœnaed, and to enforce obedience

Persons found
intoxicated re-
quired to testify.

- Questions to be answered.** to such writ, as in other civil cases. Whenever the person so subpoenaed shall appear before the justice, municipal or police court, to testify as aforesaid, he shall be required to answer on oath the following questions, to wit: When, where, and of whom did you procure, obtain, or receive the liquor or beverage, the drinking or using of which has been the cause of the intoxication mentioned in the complaint? And if such person shall refuse to answer fully and fairly such question on oath, he shall be punished and dealt with in the same manner as for a contempt of court, as in other cases. If it shall appear from the testimony of such person, that any of the offenses specified in this act have been committed in this State, such justice or court before whom such testimony is given, shall make a true record of the same, and cause it to be subscribed by such witness; and the said testimony or answer, when subscribed as aforesaid, shall be deemed and taken to be sufficient complaint to authorize the issuing of a warrant to arrest any person or persons who may appear from said complaint to be guilty of having violated any of the provisions of this act. Any person arrested on a warrant issued pursuant to the provisions of this section, shall be brought before the justice or court issuing the same, and all subsequent proceedings in such suit or prosecution shall be governed by and subject to the provisions of this act, and all other rules of law applicable thereto.
- Refusing to answer, how dealt with.**
- Court to make record of testimony.**
- When warrant to issue.**
- Forfeitures, how applied.** (2150.) SEC. 17. All forfeitures and sums of money arising under this act, upon any recognizance or bond, after payment of the costs of prosecution or suit, shall be paid over to the treasurer of the proper county, to be applied to the support of the poor, in accordance with the laws relating to the support of poor persons by counties; and all other fines and forfeitures arising under this act, shall be paid over and applied according to the Constitution and provisions of law.
- Penalty for refusing to serve process, etc.** (2151.) SEC. 18. If any sheriff, under-sheriff, deputy sheriff, constable, city attorney, city or village marshal, prosecuting attorney, or other person, whose duty it is to serve process, or carry into effect any of the provisions of this act, shall refuse or neglect so to do without good cause, he shall be deemed guilty of a misdemeanor, and on conviction thereof, he shall be fined or imprisoned, as in other cases of misdemeanor; and in addition to such punishment, he may be adjudged to have forfeited his office, and may be removed by competent authority. Whenever the prosecuting attorney is mentioned in this act, the district attorney of the Upper Peninsula shall be considered as equally intended.

(2152.) SEC. 19. This act shall not be construed as prohibiting the manufacture of the alcohol of commerce, containing not less than eighty parts in the hundred of pure alcohol: *Provided*, That the manufacturer shall not be at liberty to sell the same within this State, excepting only to the persons who may have given bonds pursuant to section fourteen of this act, and any other sale of such alcohol shall be deemed to be within the prohibitions, penalties, and forfeitures of this act. Nothing contained in this act shall be construed to prohibit the making of cider from apples, or wine from grapes or other fruits grown or gathered by the manufacturer thereof, or of beer made in this State, and free from all other intoxicating liquors; but in no case shall such beer be sold in less quantity than five gallons, or such wine or cider be sold in less quantity than one gallon, and sold to be and be all taken away at one time; and all sales of such beer in less quantity than five gallons, or of such wine or cider in less quantity than one gallon, to be drank or used on the premises, shall be an unlawful sale in the meaning of this act, and be punished accordingly.¹

(2153.) SEC. 20. The provisions of this act shall not be construed to apply to such liquors as are of foreign production, and which have been imported under the laws of the United States, and in accordance therewith, and contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe. To entitle any liquors to the exemption contained in this section, it must be made to appear, by positive proof, that they are of the character in this section described, nor shall custom-house certificates of importation, and proofs of marks on the casks or packages corresponding therewith, be received as evidence that the liquors contained in such packages are those actually imported therein.

(2154.) SEC. 21. The act entitled "An act prohibiting the manufacture of intoxicating beverages, and the traffic therein," approved February twelfth, one thousand eight hundred and fifty-three, and all laws inconsistent with this act, are hereby repealed, saving all rights of action which may have accrued under either of said acts, and all pending suits under the same, which may be prosecuted to final judgment in the same manner and with the like effect as if said acts were not repealed.

¹ As amended by Act 226 of the Laws of 1861, p. 472, approved March 15, 1861.

An Act to prevent the sale of intoxicating drinks to students and minors, and to prevent their being permitted to play at games of chance where such drinks are sold.

[Approved March 25, 1867. Laws of 1867, p. 128.]

Penalty of offense.

(2155.) SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful for any person, by himself, his clerk, or agent, to permit any student in attendance at any public or private institution of learning in this State, or any minor, to play at cards, dice, billiards, or any game of chance, in any part of any building in which spirituous liquors or intoxicating drinks are sold; nor shall it be lawful for any person, by himself, his clerk, or agent, to sell or give to any student in attendance at any public or private institution of learning in this State, or any minor, any spirituous or intoxicating drinks, except when prescribed by a regular physician for medicinal purposes; and any person who shall offend against either of the foregoing provisions of this act, in addition to the penalties now provided by law, shall be deemed to have been guilty of a misdemeanor, and on conviction thereof shall be fined twenty dollars and the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail for sixty days.

SEC. 2. This act shall take immediate effect.

TITLE XVII

THE ENCOURAGEMENT OF AGRICULTURE.

CHAPTER LXX. The State Agricultural Society.

CHAPTER LXXI. County and town agricultural societies.

CHAPTER LXX.

THE STATE AGRICULTURAL SOCIETY.

An Act to incorporate the Michigan State Society.

[Approved March 31, 1849. Laws of 1849, p. 225.]

(2156.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all persons who now are or may hereafter become associated for the purposes of this act, are hereby constituted a body corporate by the name of "The Michigan State Agricultural Society," for the purpose of promoting the improvement of agriculture and its kindred arts.

State Agricultural Society incorporated.

(2157.) SEC. 2. For the purposes aforesaid, the society shall possess the general powers and privileges, and be subject to the general liabilities, contained in chapter fifty-five, title ten, of the Revised Statutes of eighteen hundred and forty-six, so far as the same may be applicable and have not been modified or repealed; but the real and personal estate which the said society shall be authorized to take, hold, and convey, over and above its library and its scientific and agricultural collections, shall not, at any time, exceed in amount the value of twenty thousand dollars.

Its powers, privileges, and liabilities.

What property it may hold.

Annual report of
society.

(2158.) SEC. 3. It shall be the duty of the Michigan State Agricultural Society to transmit to the President of the Senate, for the use of the Legislature, in the month of January, annually, a report and statement of its proceedings, specifying the nature of the encouragement proposed by it, and the object for which and persons to whom premiums have been awarded; embracing, also, such accurate details of the modes of cultivation, of keeping stock, and of other important incidents, as will acquaint farmers and others with the precise manner in which the valuable results recorded can be again obtained; and presenting such other matter as the society may judge most useful in promoting a greater and more general progress in practical agriculture.¹

SEC. 4. This act shall take effect immediately.

An Act in aid of the Michigan State Agricultural Society.

[Approved March 31, 1849. Laws of 1849, p. 240.]

SECTION 1.²

Duties of officers
of society in con-
ferring prem-
iums, etc.

(2159.) SEC. 2. It shall be the duty of such officers of the Michigan State Agricultural Society as it may elect for that purpose, annually to regulate and award premiums on such articles, productions, and improvements, as they may deem best calculated to promote the agricultural and household manufacturing interests of the State, having special reference to the most economical or profitable mode of competition in raising the crop or stock, or in the fabrication of the article offered: *Provided always*, That before any premium shall be delivered, the person claiming the same, or to whom the same shall be awarded, shall deliver to the president of the society, in writing, an accurate statement and description, verified in such manner as the officers aforesaid may direct, of the character of the soil, and the process of preparing it, including the quantity of manure applied in raising the crop, or the kind and quantity of food in feeding the animal, as the case may be, also the kind and cost of labor employed, and the total expense and total product of the crop, or the increase in value of the animal, with a view of showing accurately the resulting profit.

Proviso.

SEC. 3. This act shall take effect immediately.

¹ See section 2160.

² Temporary. It authorized an annual appropriation to the society from the State Treasury for the first five years, including 1849.

An Act to provide for publishing the annual report of the Michigan State Agricultural Society.

[Approved April 7, 1851. *Laws of 1851, p. 151.*]

SEC. 1, 2.¹

(2160.) SEC. 3. The Michigan State Agricultural Society shall transmit to the Secretary of State the annual report of said society for the year eighteen hundred and fifty-one, and every second year thereafter, embracing the same kind of information as is required in the third section of an act entitled "An act to incorporate the Michigan State Agricultural Society," approved March thirty-first, eighteen hundred and forty-nine, any law to the contrary notwithstanding.

Report to be transmitted to Secretary of State.

An Act making an appropriation to aid the Michigan State Agricultural Society and to provide for publishing the annual reports of said society.

[Approved February 14, 1853. *Laws of 1853, p. 189.*]

SEC. 1.²

(2161.) SEC. 2. That two thousand copies of the annual report of the Michigan State Agricultural Society be printed and bound annually, under the supervision of the Secretary of State, in the same manner and form as the report of the Superintendent of Public Instruction for the year eighteen hundred and fifty-two; and when so completed the Secretary of State shall reserve thirty copies for the use of the State Library, and shall deposit with the Auditor General one copy for each organized township in this State, to be sent by him to each township for the use of the library thereof, and the remaining copies shall be forwarded by the Secretary of State to the Secretary of the Michigan State Agricultural Society, for the use of said society, under the control of the executive committee.

Annual report to be printed and bound.

How distributed

Joint Resolution relative to furnishing certain laws, journals, and documents, to the Michigan State Agricultural Society, for the use of a library.

[Approved April 1, 1850. *Laws of 1850, p. 458.*]

(2162.) Resolved by the Senate and House of Representatives of the State of Michigan, That the following laws and documents be and they are hereby donated to the Michigan State Agricultural Society.

Certain laws and documents donated to society.

¹ Provided for publishing the annual report of the society for 1850 and 1851.

² Made a temporary money appropriation.

ural Society (if it can be done without reprint, or injury to the State Library), to aid said society in establishing an agricultural library, at such place and under such regulations as the executive committee thereof may prescribe, viz: One copy of the Revised Statutes of 1838 and 1846, one copy of the Session Laws, one copy of the Joint Documents and Journals of the Senate and House of Representatives of each Legislature since and including the year 1839, and also one copy of the Session Laws and documents of the present Legislature and of each successive Legislature; and the Secretary of State is hereby authorized and required to transmit to the recording secretary of said society the above named laws and documents as soon as practicable, who shall receive the same and place them in the library aforesaid.

This joint resolution shall take effect and be in force from and after its passage.

CHAPTER LXXI.

COUNTY AND TOWN AGRICULTURAL SOCIETIES.

An Act for the encouragement of agriculture, manufactures, and the mechanic arts.

[Approved March 16, 1849. Laws of 1849, p. 97.]

Where county societies raise annually \$100 or over, supervisors may levy a tax.
16 Mich. 185.

(2163.) SECTION 1. In any county in this State, where the inhabitants thereof have organized and established or may hereafter organize and establish a society for the encouragement and advancement of agriculture, manufactures, and the mechanic arts, and shall raise from said society, annually, the sum of one hundred dollars or over, for the promotion of the above objects in said county, which fact shall be certified by the president and secretary of the society, under oath, and a certificate thereof shall be filed

with the clerk of the board of supervisors, the board of supervisors of said county, at their annual session in each and every year, may, at their option, levy a tax of not less than one-fortieth nor more than one-tenth of one mill on the dollar, on the assessment roll of the county, which tax shall be collected and paid to the treasurer of the county in the same manner that other taxes are collected and paid: *Provided*, In any county where there are more than one agricultural society so reporting, the board shall apportion such amount between such societies as they may deem just: *Provided* further, That no horse-racing is had at the fairs held by either of such societies.¹

Amount of tax limited.

Proviso.

Ibid.

(2164.) SEC. 2. The treasurer of the county shall keep the sum so raised subject to the order of the board of supervisors of said county.

County treasurer to hold same subject to order of supervisors.

(2165.) SEC. 3. The said board of supervisors shall draw upon the said treasurer for the sum so raised, and the same shall be expended, under the direction of said board, for the benefit of said society, in the purchase of premiums, the diffusion of valuable agricultural, manufacturing, and mechanical knowledge, or in such other way as shall, in the opinion of the board, be calculated to promote and encourage the important objects above specified.

Moneys to be expended for benefit of county agricultural society.

(2166.) SEC. 4. The act entitled "An act for the encouragement of agriculture," approved March second, eighteen hundred and forty-four, is hereby repealed.

Certain act repealed. 1844, p. 28.

(2167.) SEC. 5. Any citizen of any county in which a society of the kind above named is or shall be organized, shall have a right to become a member thereof by complying with the rules and regulations of said society.

Any citizen of the county may become member of county society.

SEC. 6. This act shall take effect and be in force from and after its passage.

An Act to authorize the formation of county and town agricultural societies.

[Approved February 12, 1855. Laws of 1855, p. 150.]

(2168.) SECTION 1. *The People of the State of Michigan enact*, That any ten or more persons, inhabitants of this State, who shall desire to form a town or county agricultural or horticultural society, in any county, town, city, or village of this State, may make, sign, and acknowledge duplicate articles of association, before any officer authorized to take acknowledgments of deeds in

How county and town societies may be organized.

¹ As amended by Act 105 of the Laws of 1869, p. 174, approved April 8, 1869.

this State, and file the same in the office of the secretary of the State society, and also in the office of the county clerk of the county in which the business of the society is to be conducted; in which articles shall be stated the name by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors, or managers who shall manage the same, and the names of such directors, trustees, or managers thereof, for the first year of its existence.

Authorized to incorporate.

Proviso.

May hold real estate exempt from tax.

Limit for county society.

Limit for other societies.

Who to be stockholders.

Election of officers and directors.

(2169.) SEC. 2. Upon filing such articles of association as aforesaid, the persons who shall have signed the same, and their associates and successors, shall thereupon and by virtue of this act become a body politic and corporate, by the name stated in such articles: *Provided*, No two societies shall assume the same name; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, which they may alter and change at pleasure; and they and their successors, by their corporate name, shall in law be capable of taking and receiving, purchasing and holding, exempt from taxation, real estate for the purpose of their incorporation, but for no other purpose, to an amount not exceeding the sum of twenty-five thousand dollars in value if a county or district society, and ten thousand dollars if a town, village, or city society, and of personal estate, for a like purpose, to an amount not exceeding ten thousand dollars if a county or district society, and five thousand dollars if a town, village, or city society; and they may make all necessary by-laws for the management of such societies, not inconsistent with the laws of this State or of the United States.¹

(2170.) SEC. 3. Any person who shall pay into the treasury of said society, annually, in such time and manner as the by-laws thereof shall direct, a sum of money not less than fifty cents nor more than one dollar, and subscribe to the articles of association, shall be a stockholder therein, and entitled to all the privileges and immunities thereof.

(2171.) SEC. 4. The officers of said society shall consist of a president, a secretary, and a treasurer, who shall be elected annually by the stockholders of said society, and at least five directors, any number of whom shall hold their office for one, two, or three years, as may be provided in their articles of association, and shall be elected by the stockholders of said society, at their annual meet-

¹ As amended by Act 88 of the Laws of 1867, p. 124, approved and took effect March 23, 1867.

ing (except that vacancies occurring between annual meetings may be filled by the board); and said officers shall constitute a board for the management of the concerns of said society, a majority of whom shall be a quorum; and it shall be the duty of said officers to manage the property and concerns of said society as will best promote the interests of agriculture, horticulture, and mechanic arts; and they may hold fairs and exhibitions, and may distribute premiums for the best and most meritorious animals or articles exhibited in these several departments, as shall be by their by-laws and regulations provided.¹

A majority of the board a quorum.

Duty of officers.

(2172.) SEC. 5. There shall be but one county society in any one county of this State, nor shall there be more than one town society in any one town, village, or city; but two or more counties, towns, or parts of towns, being contiguous, may join and organize district societies.¹

Limit to number of societies.

(2173.) SEC. 6. The said society may, in case the uses and convenience thereof so require, upon application to the circuit court of the county where such society is organized and located, obtain and have authority to sell, from time to time, the whole or any part of its real estate; the granting of such authority to be in the discretion of the court, and such application to be made only when authorized by said society, at an annual meeting thereof, by a vote of not less than two-thirds of the members of such society present at such meeting, and notice of the intention to vote for such application having been published in some newspaper published in said county, if there be one published, and if not, then in some newspaper published in an adjoining county, once a week for three months next preceding such annual meeting.

When and how societies may be authorized to sell real estate.

(2174.) SEC. 7. The stockholders of all corporations organized under this act, shall be individually liable for all labor performed for such corporation or association.

Stockholders individually liable for labor.

(2175.) SEC. 8. The president, secretary, and treasurer of said society shall, on or before the twentieth day of December in each year, make out and transmit to the secretary of the State Agricultural Society, at his office, a statement of the transactions of said society for the preceding year, and giving a full detail of the receipts and expenditures thereof, with a list of the premiums awarded, and to whom and for what purpose.

Officers to make report to State society.

(2176.) SEC. 9. This act shall be subject to the provisions of chapter fifty-five, title ten, of the Revised Statutes of eighteen hun-

Act subject to certain provisions.

¹ As amended by Act 88 of the Laws of 1867, p. 124, approved and took effect March 23, 1867.

dred and forty-six, so far as applicable to associations formed under this act.

SEC. 10. This act shall take effect immediately.

An Act vesting with police powers, marshals, and their deputies, at State and county fairs.

[Approved March 15, 1861. Laws of 1861, p. 463.]

Vested with police powers.

(2177.) SECTION 1. *The People of the State of Michigan enact,* That all persons duly appointed or chosen as marshal and deputy marshals, at the State fair or county fair, by authority of the State or county agricultural societies of this State, shall, as such marshals, during the days of the fair, be vested with the police powers of special constables in the township, village, or city in which such fair is held.

An Act to authorize agricultural and horticultural societies to issue bonds or other evidences of debt, and to mortgage real estate for certain purposes.

[Approved January 15, 1862. Laws of 1862, p. 9.]

Issue of bonds authorized.

(2178.) SECTION 1. *The People of the State of Michigan enact,* That it shall and may be lawful for any agricultural or horticultural society, duly organized as a corporation by virtue of any law of this State, by the vote of two-thirds of all the directors or other officers having the management of the affairs of such society, to issue bonds or other evidences of debt, bearing interest at a rate not exceeding ten per centum per annum, and to secure the payment of the same by a mortgage or mortgages upon the real estate of such society, or any part thereof, whenever necessary for the purpose of paying the purchase money of permanent grounds, or for buildings or improvements made or to be made thereon: *Provided however,* That any such society may, by its by-laws, limit, regulate, or wholly restrain the powers conferred by this act.

May mortgage real estate.

Proviso.

Former mortgages declared valid.

(2179.) SEC. 2. Any mortgage which may have been heretofore executed by any such society, under its corporate seal, and under the hands of its president and secretary, in accordance with any vote or by-laws of such society, shall be valid and binding to all the intents and purposes in such mortgage expressed.

SEC. 3. This act shall take immediate effect.

An Act for the better promotion of the interests of agriculture, manufactures, and the mechanic arts.

[Approved February 7, 1867. Laws of 1867, p. 15.]

(2180.) SECTION 1. *The People of the State of Michigan enact,* Advancement of agriculture, etc.
That in any county in this State where the inhabitants thereof have organized and established more than one society for the encouragement and advancement of agriculture, manufactures, and the mechanic arts, in accordance with the provisions of section sixteen hundred and eighty-seven of the Compiled Laws, the board of supervisors of said county may apportion the amount raised by tax in said county, by the provisions of sections sixteen hundred and eighty-seven, sixteen hundred and eighty-eight, and sixteen hundred and eighty-nine of the Compiled Laws, among each of said societies, as they may deem equitable and just. Apportionment of taxes for.

(2181.) SEC. 2. When the inhabitants of parts of two or more counties lying adjacent to each other have united in organizing and establishing a society for the encouragement and advancement of agriculture, manufactures, and the mechanic arts, in accordance with the provisions of section sixteen hundred and eighty-seven of the Compiled Laws, the board of supervisors of each of the said counties may apportion to such society so much of the amount raised by tax in their respective counties, by the provisions of sections sixteen hundred and eighty-seven, sixteen hundred and eighty-eight, and sixteen hundred and eighty-nine of the Compiled Laws, as they may deem equitable and just. Taxes apportioned.

SEC. 3. This act shall take immediate effect.

capital stock,
nor hold its own
or other capital
stock.

company, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, on security which at the time was deemed adequate to insure the payment of such debt, independent of any lien upon such stock; and stock so purchased shall in no case be held by the bank so purchasing, for a longer period of time than six months, if the same can be sold for what the stock cost, or at par.

Certificate;
what to specify.

(2183.) SEC. 2. Such person or persons, under their hands and seals, shall make a certificate in writing, which shall specify:

First. The name assumed to distinguish such association, and to be used in all its dealings;

Second. The place where the operations of discount and deposit of such association are to be carried on, designating the particular county, city, town, or village, at which place such person or association shall keep an office for the transaction of its business and for the redemption of its circulating notes;

Third. The amount of the capital stock of such person or association, and the number of shares into which the same is divided;

Fourth. The name and place of residence of the shareholders, and the number of shares held and owned by each of them, respectively;

Fifth. The period at which such association shall commence and terminate, and which period shall not exceed thirty years;

Sixth. The names and place of residence of the several directors and officers, and the number of shares of the capital stock of such association owned and held by each of such directors and officers; which certificate shall be proved or acknowledged and recorded in the office of the register of deeds of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State.

Certificate may
be used as evi-
dence.

(2184.) SEC. 3. The certificate required by the last preceding section to be recorded in the office of the register of deeds of the county and filed in the office of the Secretary of State, as aforesaid, or copies thereof duly certified by either of said officers, may be used as evidence in all courts and places, for and against such person or association.

Powers of asso-
ciation.

(2185.) SEC. 4. Such association, when so organized, shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins, and bills of exchange; by loaning money on personal security, and by exercis-

ing such incidental powers as may be necessary to carry on such association or business: *Provided*, That it shall not be lawful for any such association to take or receive more than the legal rate of interest, in advance on its loans and discounts; to elect from their number a board of directors not exceeding nine, who may choose out of their number a president and vice president, and appoint a cashier, teller, and such other officers and agents as their business may require, and remove such president, vice president, cashiers, tellers, officers, and agents at pleasure, and appoint others in their place. The directors first elected shall hold their offices till the first Monday of June next after their election, and until their successors are elected; and all subsequent elections shall be held annually, on the first Monday of June, and the directors then elected shall hold their offices until their successors are elected. Any vacancies in the board may be filled by the remaining directors; and if, from any cause, an election for directors should not be held on the day appointed, the bank, for that cause, shall not be dissolved, but an election may be held on any subsequent day, thirty days' notice having been given in a newspaper printed in the county where the bank is located, and in a paper printed in Detroit. Each share shall entitle the owner to one vote, but he shall have no vote while any of his paper or liabilities are past due and unpaid. Stockholders may vote by proxy, duly authorized in writing.

What interest may be taken.

Officers of association.

Terms of office of directors.

Annual elections

Vacancies; how filled.

How stockholders to vote.

(2186.) SEC. 5. The shares of such association shall be deemed personal property, and shall be transferable on the books of the association in such manner as the by-laws thereof may direct; but no transfer of stock shall be valid against the bank so long as the registered holder thereof shall be liable either as principal, debtor, surety, or otherwise to the company, for any debt which shall be due and unpaid; nor in such case shall any dividend, interest, or profits be paid on such shares so long as such liabilities continue, but all such dividends, interests, or profits shall be retained by the bank, and applied to the discharge of such liabilities; and no stock shall be transferred upon the books of any bank, without the consent of a majority of the directors, while the registered holder thereof is indebted to the bank. Such association shall not be dissolved by the death, removal, or insanity of any of the shareholders therein.

Shares to be deemed personal property, and transferable.

(2187.) SEC. 6. It shall be lawful for any person or association of persons organized under this act, by their articles of association, to

Increase of capital, and number of a societies.

provide for an increase of their capital, and of the number of their associates from time to time, as they may provide in their articles of association ; certificates of which shall be recorded in the office of the register of deeds of the county, and filed in the office of the Secretary of State.

Contracts,
notes, and bills,
how signed.

(2188.) SEC. 7. Contracts made by any such association, and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice president and cashier thereof.

Bank to be body
corporate.

Every bank authorized to carry on the business of banking under this act, shall be and constitute a body corporate, with succession for the period provided by the certificate of association ; and by its corporate name shall be competent to contract, prosecute, and defend suits and actions of all kinds, in all courts, and have a common seal, and alter it at pleasure, and by its corporate name be capable of purchasing, holding, and conveying any estate, real or personal, subject to the restrictions contained in this act. Process against such bank shall be served on its president or cashier, or by leaving an attested copy at its banking house during banking hours, with the teller or clerk, or other officer of the bank.

How process
served upon
bank.

Powers of asso-
ciation to pur-
chase and sell
real estate.

(2189.) SEC. 8. It shall be lawful for any such association to purchase, hold, and convey real estate for the following purposes :

First. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business ;

Second. Such as shall be mortgaged to it in good faith, by way of security for loans previously made by, or moneys due to, such association ;

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings ;

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages, held by such association ; but such association shall not bid at said sale a larger amount than is necessary to satisfy their debts and costs.

Restrictions
thereon.

(2190.) SEC. 9. The said association shall not purchase, hold, or convey real estate in any other case or for any other purpose ; and all conveyances of such real estate shall be made to such association in the name mentioned in the article of association ; and such association may sell and convey the same free from any claim thereon against any of the shareholders, or any person claiming under them, by an instrument under the hand and seal of the president or vice president and cashier of said association, duly acknowledged.

(2191.) SEC. 10. Whenever any person or association of persons formed for the purpose of banking under the provisions of this act, shall legally transfer to the State Treasurer any portion of the public debt now created or hereafter to be created by the United States, or the funded debt of this State, or that hereafter may be funded, or the public debt now created or that may be created by the State of New York, either of the New England States, Pennsylvania, Indiana, Illinois, Ohio, or Kentucky, bearing interest, and upon which interest is paid, such person or association of persons shall be entitled to receive from the State Treasurer an amount of circulating notes of different denominations as may be desired by such person or association, equal to one hundred per cent of the securities thus transferred, and such securities or public debt shall in all cases be or be made equal to a stock of this State producing six per cent interest per annum; and it shall not be lawful for the State Treasurer to take such stock at a rate above ninety-five per cent of its par value, nor above ninety-five per cent of its current market value, to be determined by the average value of such trust funds at the stock exchange in the city of New York for four weeks next preceding the time of the receipt thereof by the said Treasurer.

Deposits of public stocks to be made to State Treasurer.

Upon deposit of stocks, circulating notes to be issued.

Stocks not to be received at above 95 per cent of par value.

(2192.) SEC. 11. All persons and associations of persons organized under this act, and intending to commence the business of banking, shall, before commencing such business, cause to be engraved and printed in the best manner, to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes, in blank, of the different denominations authorized by this act, as he or they may require, and shall deliver the same to the State Treasurer, and shall at the same time deliver into the custody of said Treasurer all the plates used in printing such circulating notes, accompanied by affidavits of the engraver and of the printer of such notes, and of the person delivering such circulating notes and plates, showing that no other such circulating notes have been printed from said plates than those delivered to the said Treasurer; and that all the plates used in printing said circulating notes have been delivered to the said Treasurer; and any person who shall in any such affidavit swear or affirm false, shall be liable to all the pains and penalties for willful and corrupt perjury. It shall be the duty of such Treasurer to receive and safely keep the plates thus delivered to him, and shall, from time to time, cause to be printed from said plates, at the expense of such bank, association, or banker, such notes in blank, and of such denomination, as is by

Circulating notes to be engraved and printed.

Notes and plates to be delivered to State Treasurer with affidavits of engraver and printer.

Treasurer to keep plates and issue bills.

dred and forty-six, so far as applicable to associations formed under this act.

SEC. 10. This act shall take effect immediately.

An Act vesting with police powers, marshals, and their deputies, at State and county fairs.

[Approved March 15, 1861. Laws of 1861, p. 463.]

Vested with po-
lice powers.

(2177.) SECTION 1. *The People of the State of Michigan enact,* That all persons duly appointed or chosen as marshal and deputy marshals, at the State fair or county fair, by authority of the State or county agricultural societies of this State, shall, as such marshals, during the days of the fair, be vested with the police powers of special constables in the township, village, or city in which such fair is held.

An Act to authorize agricultural and horticultural societies to issue bonds or other evidences of debt, and to mortgage real estate for certain purposes.

[Approved January 15, 1862. Laws of 1862, p. 9.]

Issue of bonds
authorized.

(2178.) SECTION 1. *The People of the State of Michigan enact,* That it shall and may be lawful for any agricultural or horticultural society, duly organized as a corporation by virtue of any law of this State, by the vote of two-thirds of all the directors or other officers having the management of the affairs of such society, to issue bonds or other evidences of debt, bearing interest at a rate not exceeding ten per centum per annum, and to secure the payment of the same by a mortgage or mortgages upon the real estate of such society, or any part thereof, whenever necessary for the purpose of paying the purchase money of permanent grounds, or for buildings or improvements made or to be made thereon: *Provided however,* That any such society may, by its by-laws, limit, regulate, or wholly restrain the powers conferred by this act.

May mortgage
real estate.

Provided.

Former mort-
gages declared
valid.

(2179.) SEC. 2. Any mortgage which may have been heretofore executed by any such society, under its corporate seal, and under the hands of its president and secretary, in accordance with any vote or by-laws of such society, shall be valid and binding to all the intents and purposes in such mortgage expressed.

SEC. 3. This act shall take immediate effect.

An Act for the better promotion of the interests of agriculture, manufactures, and the mechanic arts.

[Approved February 7, 1867. Laws of 1867, p. 15.]

(2180.) SECTION 1. *The People of the State of Michigan enact,* Advancement of agriculture, etc.
That in any county in this State where the inhabitants thereof have organized and established more than one society for the encouragement and advancement of agriculture, manufactures, and the mechanic arts, in accordance with the provisions of section sixteen hundred and eighty-seven of the Compiled Laws, the board of supervisors of said county may apportion the amount raised by tax in said county, by the provisions of sections sixteen hundred and eighty-seven, sixteen hundred and eighty-eight, and sixteen hundred and eighty-nine of the Compiled Laws, among each of said societies, as they may deem equitable and just. Apportionment of taxes for.

(2181.) SEC. 2. When the inhabitants of parts of two or more counties lying adjacent to each other have united in organizing and establishing a society for the encouragement and advancement of agriculture, manufactures, and the mechanic arts, in accordance with the provisions of section sixteen hundred and eighty-seven of the Compiled Laws, the board of supervisors of each of the said counties may apportion to such society so much of the amount raised by tax in their respective counties, by the provisions of sections sixteen hundred and eighty-seven, sixteen hundred and eighty-eight, and sixteen hundred and eighty-nine of the Compiled Laws, as they may deem equitable and just. Taxes apportioned.

SEC. 3. This act shall take immediate effect.

TITLE XVIII.

CORPORATIONS.

- ✓CHAPTER LXXII. General banking law.
- CHAPTER LXXIII. Savings associations.
- CHAPTER LXXIV. Trust, deposit, and security companies.
- CHAPTER LXXV. Railroad companies.
- ✓CHAPTER LXXVI. Train railway companies.
- ✓CHAPTER LXXVII. Street railway companies.
- CHAPTER LXXVIII. Plank road companies.
- CHAPTER LXXIX. Stage companies.
- CHAPTER LXXX. Telegraph companies.
- CHAPTER LXXXI. Bridge companies.
- CHAPTER LXXXII. Ferry companies.
- CHAPTER LXXXIII. Maritime commerce, or navigation.
- CHAPTER LXXXIV. For the construction and improvement of canals or harbors, or for the improvement of rivers for the purposes of navigation.
- CHAPTER LXXXV. For the improvement of rivers for the purposes of navigation.
- CHAPTER LXXXVI. Water-power companies.
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- CHAPTER LXXXVIII. For the running, booming, and rafting of logs.
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- CHAPTER XCI. Trades unions as mechanics' associations.
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- CHAPTER XCIII. Building and savings associations.
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- CHAPTER XCV. Mining and manufacturing companies.
- CHAPTER XCVI. Gas-light companies.
- CHAPTER XCVII. Insurance companies.
- CHAPTER XCVIII. Life insurance companies.
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- CHAPTER C. Boards of trade and chambers of commerce.
- CHAPTER CI. Warehouse companies.
- CHAPTER CII. Cheese manufactures.
- CHAPTER CIII. Health institutions.
- CHAPTER CIV. Hospitals or asylums.
- CHAPTER CV. Charitable societies.
- CHAPTER CVI. Industrial and other charitable schools.

- CHAPTER CVII. Father Matthew total abstinence benevolent societies.
 CHAPTER CVIII. Religious societies.
 CHAPTER CIX. Institutions of learning.
 CHAPTER CX. Libraries and lyceums.
 CHAPTER CXI. Teachers' associations.
 CHAPTER CXII. Literary and scientific associations.
 CHAPTER CXIII. Polytechnic associations.
 CHAPTER CXIV. Pomological and horticultural societies.
 CHAPTER CXV. Publishing associations.
 CHAPTER CXVI. Fine arts.
 CHAPTER CXVII. Musical societies.
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 CHAPTER CXIX. Independent Order of Odd Fellows.
 CHAPTER CXX. Independent Order of Good Templars.
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 CHAPTER CXXIII. Societies of marksmen.
 CHAPTER CXXIV. Gymnastic associations.
 CHAPTER CXXV. Skating parks or rinks, and parks kept for ornament, recreation, or amusement.
 CHAPTER CXXVI. For the detection and apprehension of horse thieves and other felons.
 CHAPTER CXXVII. Villages.
 CHAPTER CXXVIII. For the introduction of water into towns, cities, and villages.
 CHAPTER CXXIX. Burying grounds and rural cemeteries.
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CHAPTER LXXII.

GENERAL BANKING LAW.

An Act to authorize the business of banking.

[Approved February 16, 1857. Laws of 1857, p. 362.]

(2182.) SECTION 1. *The People of the State of Michigan enact,* Persons may as
 That any person or number of persons may associate to establish sociate.
 offices of discount, deposit, and circulation, upon the terms and
 conditions, and subject to the liabilities, prescribed in this act;
 but the aggregate amount of the capital stock of any such Capital stock to
 association shall not be less than fifty thousand dollars. Three- be not less than
 fourths of the capital stock of any bank may be invested in fifty thousand
 public stocks, as security for its circulating notes. No bank shall dollars.
 take, as security for any loan or discount, a lien on any part of its Three-fourths of
 capital stock, but the same security, both in kind and amount, stock may be in-
 shall be required of shareholders and of persons not shareholders; vested in public
 and no bank shall be the holder or purchaser of any portion of its stocks.
 capital stock, or of the capital stock of any other incorporated Bank shall not
take lien as se-
curity on its own

capital stock,
nor hold its own
or other capital
stock.

company, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, on security which at the time was deemed adequate to insure the payment of such debt, independent of any lien upon such stock; and stock so purchased shall in no case be held by the bank so purchasing, for a longer period of time than six months, if the same can be sold for what the stock cost, or at par.

Certificate;
what to specify.

(2183.) SEC. 2. Such person or persons, under their hands and seals, shall make a certificate in writing, which shall specify:

First. The name assumed to distinguish such association, and to be used in all its dealings;

Second. The place where the operations of discount and deposit of such association are to be carried on, designating the particular county, city, town, or village, at which place such person or association shall keep an office for the transaction of its business and for the redemption of its circulating notes;

Third. The amount of the capital stock of such person or association, and the number of shares into which the same is divided;

Fourth. The name and place of residence of the shareholders, and the number of shares held and owned by each of them, respectively;

Fifth. The period at which such association shall commence and terminate, and which period shall not exceed thirty years;

Sixth. The names and place of residence of the several directors and officers, and the number of shares of the capital stock of such association owned and held by each of such directors and officers; which certificate shall be proved or acknowledged and recorded in the office of the register of deeds of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State.

Certificate may
be used as evi-
dence.

(2184.) SEC. 3. The certificate required by the last preceding section to be recorded in the office of the register of deeds of the county and filed in the office of the Secretary of State, as aforesaid, or copies thereof duly certified by either of said officers, may be used as evidence in all courts and places, for and against such person or association.

Powers of asso-
ciation.

(2185.) SEC. 4. Such association, when so organized, shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coins, and bills of exchange; by loaning money on personal security, and by exercis-

ing such incidental powers as may be necessary to carry on such association or business: *Provided*, That it shall not be lawful for any such association to take or receive more than the legal rate of interest, in advance on its loans and discounts; to elect from their number a board of directors not exceeding nine, who may choose out of their number a president and vice president, and appoint a cashier, teller, and such other officers and agents as their business may require, and remove such president, vice president, cashiers, tellers, officers, and agents at pleasure, and appoint others in their place. The directors first elected shall hold their offices till the first Monday of June next after their election, and until their successors are elected; and all subsequent elections shall be held annually, on the first Monday of June, and the directors then elected shall hold their offices until their successors are elected. Any vacancies in the board may be filled by the remaining directors; and if, from any cause, an election for directors should not be held on the day appointed, the bank, for that cause, shall not be dissolved, but an election may be held on any subsequent day, thirty days' notice having been given in a newspaper printed in the county where the bank is located, and in a paper printed in Detroit. Each share shall entitle the owner to one vote, but he shall have no vote while any of his paper or liabilities are past due and unpaid. Stockholders may vote by proxy, duly authorized in writing.

What interest may be taken.

Officers of association.

Terms of office of directors.

Annual elections

Vacancies; how filled.

How stockholders to vote.

(2186.) SEC. 5. The shares of such association shall be deemed personal property, and shall be transferable on the books of the association in such manner as the by-laws thereof may direct; but no transfer of stock shall be valid against the bank so long as the registered holder thereof shall be liable either as principal, debtor, surety, or otherwise to the company, for any debt which shall be due and unpaid; nor in such case shall any dividend, interest, or profits be paid on such shares so long as such liabilities continue, but all such dividends, interests, or profits shall be retained by the bank, and applied to the discharge of such liabilities; and no stock shall be transferred upon the books of any bank, without the consent of a majority of the directors, while the registered holder thereof is indebted to the bank. Such association shall not be dissolved by the death, removal, or insanity of any of the shareholders therein.

Shares to be deemed personal property, and transferable.

(2187.) SEC. 6. It shall be lawful for any person or association of persons organized under this act, by their articles of association, to

Increase of capital, and number of a societies.

provide for an increase of their capital, and of the number of their associates from time to time, as they may provide in their articles of association; certificates of which shall be recorded in the office of the register of deeds of the county, and filed in the office of the Secretary of State.

Contracts,
notes, and bills,
how signed.

(2188.) SEC. 7. Contracts made by any such association, and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice president and cashier thereof. Every bank authorized to carry on the business of banking under this act, shall be and constitute a body corporate, with succession for the period provided by the certificate of association; and by its corporate name shall be competent to contract, prosecute, and defend suits and actions of all kinds, in all courts, and have a common seal, and alter it at pleasure, and by its corporate name be capable of purchasing, holding, and conveying any estate, real or personal, subject to the restrictions contained in this act. Process against such bank shall be served on its president or cashier, or by leaving an attested copy at its banking house during banking hours, with the teller or clerk, or other officer of the bank.

Bank to be body
corporate.

How process
served upon
bank.

Powers of asso-
ciation to pur-
chase and sell
real estate.

(2189.) SEC. 8. It shall be lawful for any such association to purchase, hold, and convey real estate for the following purposes:

First. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business;

Second. Such as shall be mortgaged to it in good faith, by way of security for loans previously made by, or moneys due to, such association;

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings;

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages, held by such association; but such association shall not bid at said sale a larger amount than is necessary to satisfy their debts and costs.

Restrictions
thereon.

(2190.) SEC. 9. The said association shall not purchase, hold, or convey real estate in any other case or for any other purpose; and all conveyances of such real estate shall be made to such association in the name mentioned in the article of association; and such association may sell and convey the same free from any claim thereon against any of the shareholders, or any person claiming under them, by an instrument under the hand and seal of the president or vice president and cashier of said association, duly acknowledged.

(2191.) SEC. 10. Whenever any person or association of persons formed for the purpose of banking under the provisions of this act, shall legally transfer to the State Treasurer any portion of the public debt now created or hereafter to be created by the United States, or the funded debt of this State, or that hereafter may be funded, or the public debt now created or that may be created by the State of New York, either of the New England States, Pennsylvania, Indiana, Illinois, Ohio, or Kentucky, bearing interest, and upon which interest is paid, such person or association of persons shall be entitled to receive from the State Treasurer an amount of circulating notes of different denominations as may be desired by such person or association, equal to one hundred per cent of the securities thus transferred, and such securities or public debt shall in all cases be or be made equal to a stock of this State producing six per cent interest per annum; and it shall not be lawful for the State Treasurer to take such stock at a rate above ninety-five per cent of its par value, nor above ninety-five per cent of its current market value, to be determined by the average value of such trust funds at the stock exchange in the city of New York for four weeks next preceding the time of the receipt thereof by the said Treasurer.

Deposits of public stocks to be made to State Treasurer.

Upon deposit of stocks, circulating notes to be issued.

Stocks not to be received at above 95 per cent of par value.

(2192.) SEC. 11. All persons and associations of persons organized under this act, and intending to commence the business of banking, shall, before commencing such business, cause to be engraved and printed in the best manner, to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes, in blank, of the different denominations authorized by this act, as he or they may require, and shall deliver the same to the State Treasurer, and shall at the same time deliver into the custody of said Treasurer all the plates used in printing such circulating notes, accompanied by affidavits of the engraver and of the printer of such notes, and of the person delivering such circulating notes and plates, showing that no other such circulating notes have been printed from said plates than those delivered to the said Treasurer; and that all the plates used in printing said circulating notes have been delivered to the said Treasurer; and any person who shall in any such affidavit swear or affirm false, shall be liable to all the pains and penalties for willful and corrupt perjury. It shall be the duty of such Treasurer to receive and safely keep the plates thus delivered to him, and shall, from time to time, cause to be printed from said plates, at the expense of such bank, association, or banker, such notes in blank, and of such denomination, as is by

Circulating notes to be engraved and printed.

Notes and plates to be delivered to State Treasurer with affidavits of engraver and printer.

Treasurer to keep plates and issue bills.

Mutilated notes to be received by Treasurer and destroyed, and new ones issued in lieu.
Proviso.

(2197.) SEC. 16. It shall be the duty of the Treasurer to receive mutilated circulating bills or notes issued by him, and to deliver in lieu thereof other circulating notes to the same amount. Such mutilated notes shall thereupon be destroyed: *Provided*, That all mutilated bills or notes be destroyed by said Treasurer, in the presence of the Secretary of State and an agent of the bank whose notes are burned, before any other circulating notes shall be delivered in lieu thereof by him.

Public stocks to be held for redemption of notes.

(2198.) SEC. 17. The public debt or stocks deposited by any person or association of persons under the provisions of this act, shall be held by the Treasurer exclusively for the redemption of the bills or notes of such person or association, put in circulation as money, until the same are paid or returned.

Directors; when shall declare dividend.

(2199.) SEC. 18. The directors of each bank shall, semi-annually, on the first Monday in January and July, declare a dividend of so much of the net profits of the bank as they shall deem expedient, and on each of said days the president or cashier shall make a full, clear, and accurate statement to the State Treasurer of the condition of the bank as it shall be on that day, after declaring the dividend, if any be declared, which shall be verified by the oath of the president or cashier, and shall contain a full abstract of the general accounts of the bank, so as to show plainly its resources and liabilities and the amount of each kind thereof, and the same shall be published, at least once a week for three successive weeks, in some newspaper of the county where such bank is located, if any paper be published therein, if not, then in any paper published in Detroit.¹

To make statement of condition to State Treasurer.

Contents.

Where published.

When association may be deemed insolvent.

(2200.) SEC. 19. If such association shall neglect to make out and transmit the statement required in the preceding section, for one month beyond the period when the same is required to be made, or shall willfully violate any of the provisions of this act, such association may be deemed insolvent, and may be proceeded against and dissolved in the same manner as any moneyed or other corporation may be proceeded against and dissolved.

Association liable to pay damages in certain cases to holders of notes, checks, drafts, etc.

(2201.) SEC. 20. Such association shall be liable to pay to the holder of every bill or note put into circulation as money, and to the holder of every sight check or draft drawn on such association against money in deposit with it, to the credit of the drawer, subject to such sight check or draft, the payment of which shall have been demanded and refused, damages for non-payment thereof in lieu of interest, at and after the rate of fourteen per cent per

¹ As amended by Act 7 of the Laws of 1871, p. 8, approved January 27, 1871.

annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon. The directors and officers of any such association refusing to pay its deposits on demand, when such deposits are, by the conditions upon which they were received, subject to sight drafts, shall be personally liable for such deposits, and any director or officer of such association, and any individual banker, who shall fraudulently, and with intent to cheat and defraud any person, receive any deposit, knowing or having good reason to believe, at the time of receiving such deposit, that such association or individual banker is insolvent, shall, if such deposit is not paid on demand, be deemed guilty of a misdemeanor, and on conviction therefor be punished by imprisonment in the State Prison not exceeding three years.

Directors and officers to be individually liable and guilty of misdemeanor in certain cases.

(2202.) SEC. 21. The president and cashier of every such association formed pursuant to the provisions of this act, shall at all times keep a correct list of the names of all the shareholders of such association, and shall record a copy of such list in the office of the register of deeds of the county where any office of such association may be located, and file the same in the office of Secretary of State, on the first Monday of January in each year: *Provided*, There shall be any change in the shareholders during the previous year.

List of shareholders to be kept and recorded.

Proviso.

(2203.) SEC. 22. It shall not be lawful for the State Treasurer or other officer to countersign bills or notes for any person or association, of persons organized under the provisions of this act, to an amount in the aggregate exceeding the stocks or public funds deposited or transferred to said Treasurer, as hereinbefore provided, by any such person or association of persons, for bills or notes returned to him except as herein provided; and any treasurer or other officer who shall willfully violate the provisions of this section, shall, upon conviction, be adjudged guilty of a felony, and shall be punished by imprisonment in the State Prison not less than five years.

State Treasurer not to countersign bills to an amount greater than the stocks deposited.

Punishment for violation of this provision.

(2204.) SEC. 23. It shall not be lawful for any person or association formed under the provisions of this act, to make any of its bills or notes, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted; and all said bills or notes shall be redeemed at said place of business.

Bills not to be payable at any other place than at the office of the association.

(2205.) SEC. 24. It shall not be lawful for any person or association authorized to carry on the business of banking under the provisions of this act, to receive, pay out, give, or offer, in payment

Association not to pay out notes of banks out of this State, payable in this State.

as money, to circulate or attempt to circulate as money, any bill, note, or other evidence of debt, issued or purporting to have been issued by any corporation, association, or individual, situated or residing out of this State, which bill, note, or other evidence of debt, shall upon any part thereof purport to be payable or redeemable at any place or by any person, association, or corporation within this State.

Notes not receivable at par by association not to be lent or paid out by it.

(2206.) SEC. 25. It shall not be lawful for any association or individual authorized to carry on the business of banking under this act, directly or indirectly, to lend or pay out for paper discounted or purchased by him or them, any bank bills, note, or other evidence of debt, which is not received at par by the said association or individual banker, either for debts due to such association or individual banker, or received by such association or individual banker from dealers and customers in the regular and usual course of business.

Forfeiture for violation of preceding sections.

(2207.) SEC. 26. Every corporation, association, or individual, who shall willfully offend against any of the provisions of the last three preceding sections, shall forfeit for each and every offense the sum of one thousand dollars, to be recovered with costs of suit in the name of the people of this State, for the support of the township libraries of the several townships in the county where such forfeitures shall be recovered; and every officer and clerk of such association, and every individual banker, and his clerks and servants, who shall knowingly act or assist in any violation of any provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment, or both, at the discretion of the court; but such fine shall not exceed five hundred dollars, or such imprisonment shall not exceed six months.

Punishment of officers, etc., therefor.

Notes less than one dollar not to be issued.

(2208.) SEC. 27. No note or bill, intended to circulate as money, shall issue or be put in circulation by any association or individual bankers of a less denomination than one dollar, nor unless such bill or note shall be made payable on demand, and without interest.

Appointment of bank-note registers.

(2209.) SEC. 28. The State Treasurer shall appoint one or more registers, to countersign and register, in a book to be kept for that purpose, all circulating notes issued under the provisions of this act, who shall hold his office during the continuance of said Treasurer in office, unless sooner removed by said Treasurer; and said register or registers shall take the constitutional oath of office, and execute a bond to the people of this State, in the penal sum of ten thousand dollars, with responsible sureties, conditioned for

Oath and bond.

the faithful discharge of his duties as such register under this act, which bond shall be approved by the State Treasurer, and shall be filed with the Secretary of State. Such register shall receive a Compensation. compensation of five dollars per day for each day's service he shall perform in the discharge of his duties as such register.¹

(2210.) SEC. 29. It shall not be lawful for any association of Deposit to be made with State Treasurer before plates can be engraved. persons, or individual banker, to cause plates to be engraved, or notes to be printed, as provided by section eleven of this act, until he or they shall have deposited with the State Treasurer the securities mentioned in section ten, to the amount of at least twenty-five thousand dollars.²

(2211.) SEC. 30. Whenever the securities deposited for the Proceedings of Treasurer when securities become insufficient redemption of the circulating notes of any association or individual shall, in the opinion of the Treasurer, become insufficient for the purpose, he may revoke the power of attorney heretofore mentioned, receive the interest or dividends on the stock so deposited, and shall retain the same in trust for the association or individual to whom the same may belong, until said interest or dividends so received, when added to the securities so deposited, shall be deemed sufficient security for such circulating notes; or said Treasurer may immediately give notice thereof to the president or cashier of such association, or to such individual banker, who shall forthwith return to said Treasurer an amount of circulating notes, so countersigned, equal to the depreciation of such stock.

(2212.) SEC. 31. It shall be the duty of the joint committee of Joint committee of Legislature to examine Treasurer's accounts securities, books and papers. the Legislature chosen to examine the Treasurer's accounts, to examine such of the securities deposited in the Treasurer's office by banking associations and individual bankers, together with the books and papers therein relating to the business of banking, as the said committee may deem necessary to, enable them to report the true state and condition of the department to the Legislature.

(2213.) SEC. 32. All fees for protesting the circulating notes Fees of protest, by whom paid. issued by any banking association or individual bankers shall be paid by the person procuring the services to be performed, for which such association or banker shall be liable; but no part of the securities deposited by such association or banker shall be applied to the payment of such fees.

¹ As amended by Act 182 of the Laws of 1867, p. 177, approved March 27, 1867.

As amended by Act 96 of the Laws of 1869, p. 164, approved and took effect April 2, 1869.

Banks subject to inspection of Treasurer.

(2214.) SEC. 33. Every banking association and individual banker, carrying on banking business under or by virtue of the provisions of this act, shall at all times be subject to the inspection and supervision of the State Treasurer.

Proceedings when banks refuse to submit to inspection.

(2215.) SEC. 34. In case any of the associations or individual bankers shall refuse to submit its books and papers to the inspection of said Treasurer, or whose officers shall refuse to submit to be examined upon oath touching the concerns of such association or individual banker, or if any of them shall be found to have violated any law of this State, binding upon such association or individual banker, he or they shall be liable to be proceeded against by such Treasurer, in the same manner and with like effect as any incorporated bank may be proceeded against for a violation of its charter.

Shareholders may commence suit against association.

(2216.) SEC. 35. Any association [associate] or shareholder in any such association may, in respect of any demand which he may have, either solely or jointly with any other person, against such association, commence and prosecute, either solely or jointly (as the case may be), any action, suit, or proceeding in law or equity, against such association, for the recovery thereof; and such association may commence and prosecute any action, suit, or other proceeding in law or equity, against any person or persons who may be, or who have been, an associate or shareholder of such association, either alone, or jointly with any other person or persons, against whom such association may have any demand whatever. All such suits, or proceedings, by or against such association, shall be conducted and have the same legal effect as if such association [associate] or shareholder had never been a member of such association. Nor shall any action or suit be in any way affected by reason of the plaintiffs or defendants, or any other person who may be in any way interested in said action, being or having been a shareholder or associate of such association; nor shall it be necessary in any process, pleading, or proceeding, in behalf of or against any such association, to name the individuals composing the same.

And association against shareholders.

Proceedings upon relinquishing banking business.

(2217.) SEC. 36. When any individual banker or association, desirous of relinquishing the banking business, shall have redeemed at least ninety per cent of their circulating notes, and shall produce to the Treasurer a certificate of deposit to his credit, in such bank as he shall approve, or shall pay to said Treasurer, an amount equal to the circulating notes of such bank unredeemed, it shall be lawful for said Treasurer to receive the same and to give and trans-

fer all the securities theretofore deposited by such banker or association for the redemption of circulating notes issued.

(2218.) SEC. 37. Such bank or association, after having complied with the provisions of the preceding section, may give notice, once in each month, for two successive years, in some newspaper published or printed in the city of Detroit, and also in at least one newspaper printed in the county, if there be one, where such association or bank shall have been located, that all circulating notes, issued by such association or bank, must be presented at the Treasurer's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and on receiving satisfactory proof of the giving such notice for the time aforesaid, the Treasurer shall surrender to the order of the said association or bank, any securities or moneys which he may hold for the redemption or payment of any unredeemed notes of such association or bank.

Notice in such case.

When securities to be surrendered

(2219.) SEC. 38. Nothing in this act contained shall be so construed as to prevent any association or individual banker, organized under this act, from making, issuing, or putting in circulation bills of exchange on foreign countries, or places beyond the jurisdiction or limits of the United States; which bills of exchange may be made payable at or with the customary usance, and at or within ninety days' sight; but no such draft or bill of exchange shall be used or put in circulation as money by any such bank or banking association.

Foreign bills of exchange may be put in circulation.

(2220.) SEC. 39. A book shall be provided and kept by every association and individual banker organized under the provisions of this act, in which shall be entered the names and residences of the stockholders or shareholders in such association, the number of shares held by each, the time when each person became such stockholder or shareholder, every registered transfer of stock or shares upon the books of the association or bank, the time when any stock or share was transferred, the name of the assignee or assignees, with his or their residence, and the number of shares transferred. The said books shall be, at all times during the usual hours of transacting business, subject to public inspection. A neglect to provide and keep such book ready for examination, as herein provided, shall subject the association or bank whose duty it is to provide and keep the same, to a penalty of one hundred dollars for every day's neglect; and a refusal, by any officer of such association or bank, to exhibit such book to any person demanding the inspection thereof, shall subject such officer to a penalty of fifty dollars. The

Share books to be kept.

To be subject to inspection. Penalty for neglect.

Share book to be evidence.

Punishment for false entry.

Officers and stockholders individually liable for debts of corporation.

Judgment against one officer or stockholder not a bar to proceedings against others.

Certain transfers, etc., void.

Bill holders entitled to preference in case of insolvency of bank.

Suits may be prosecuted as against natural persons.

Stockholders not liable to bank for more than two-fifths of stock.

said penalties may be sued for and recovered, with costs, by any person who will prosecute for the same, in the name of the people of the State, and shall be exclusively applied to the support of the township libraries in the county where such penalties shall be recovered. In all actions, suits, and proceedings under this act, the said book shall be presumptive evidence of the facts therein stated.

Any person or association making, directing, or consenting to any false entry in such book, or in any other book of such banker, shall, upon conviction thereof, be sentenced to imprisonment in the State Prison not less than one nor more than three years.

(2221.) SEC. 40. The officers and stockholders of every corporation or association formed under this act shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equally and ratably, to the extent of their respective shares of stock in any such corporation or association.¹

(2222.) SEC. 41. A judgment rendered against any officer or stockholder, or any number thereof, shall not be a bar to a prosecution or suit against any other officer or stockholder of such association or bank, for the recovery of the same indebtedness.

(2223.) SEC. 42. All transfer of notes, bonds, bills of exchange, or other evidences of debt owing to any bank, or of deposits to its credit; all assignments of mortgages or other securities on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its stockholders or creditors; all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be held utterly null and void.

(2224.) SEC. 43. In case of the insolvency of any bank or banking association, organized under this act, the bill holders thereof shall be entitled to a preference in payment over all other creditors of such bank or association.

(2225.) SEC. 44. Suits may be instituted and prosecuted by and against such association or bank in the same manner and in like cases as natural persons.

(2226.) SEC. 45. The stockholders, collectively, of any bank, shall at no time be liable to such bank, either as principal, debtors, or sureties, or both, to an amount greater than two-fifths of the

¹ As amended by Act 60 of the Laws of 1871, p. 75, approved March 29, 1871.

amount of the capital stock actually paid in and remaining undiminished by losses or otherwise.

(2227.) SEC. 46. It shall be the duty of the Secretary of State to report to the Legislature at the commencement of each session :

Secretary of State to report to Legislature.

First. A summary of the state and condition of every incorporated or organized bank, banking association, and individual banker, from whom reports have been received the preceding year or years, at the date or dates to which such report refers, with an abstract of the whole amount of banking capital returned by them respectively, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of resources and means, the amount of specie held by them, and such other information in relation to said banks, associations, and bankers, as in his judgment may be useful ;

What report to state.

Second. A statement of the banking associations and bankers whose business has been closed during the preceding year or years, with the amount of their circulation redeemed, the rate of such redemption per cent, and the amount outstanding. Such report shall be made by or before the last day of the year.

(2228.) SEC. 47. The Treasurer, Attorney General, or any committee appointed by the Legislature or either branch thereof, shall have power to examine the books, papers, conditions, and affairs of any bank or association organized under the provisions of this act, and for that purpose may examine, on oath, any individual banker, and the officers, agents, partners, and clerks of such banker, and of any bank or association, touching the matters he or they shall be directed or may desire to inquire into ; and any willful false swearing in any such examination shall be deemed perjury. They may also inquire whether any banker or association transacts the business of banking at the place designated in its articles or certificates of association ; whether such banking business is conducted in the manner prescribed by law.

Powers of Treasurer, Attorney General, or committees in making examinations and inquiries concerning banks.

(2229.) SEC. 48. Such officer shall have power to summon any inhabitant of the county in which he or they may be conducting the inquiry, to appear before him or them and testify in relation to the same.

Ibid.

(2230.) SEC. 49. If it shall appear from such examination and report, that any bank, association, or individual banker is in an unsound or unsafe condition to do banking business, or that the business of banking is not transacted by such bank, association, or banker at the place designated in its certificate or articles of association, or is not transacted in the manner prescribed by law, it

Duty of Treasurer to withhold notes in certain cases.

- Mutilated notes to be received by Treasurer and destroyed, and new ones issued in lieu. *Provido.* (2197.) SEC. 16. It shall be the duty of the Treasurer to receive mutilated circulating bills or notes issued by him, and to deliver in lieu thereof other circulating notes to the same amount. Such mutilated notes shall thereupon be destroyed: *Provided*, That all mutilated bills or notes be destroyed by said Treasurer, in the presence of the Secretary of State and an agent of the bank whose notes are burned, before any other circulating notes shall be delivered in lieu thereof by him.
- Public stocks to be held for redemption of notes. (2198.) SEC. 17. The public debt or stocks deposited by any person or association of persons under the provisions of this act, shall be held by the Treasurer exclusively for the redemption of the bills or notes of such person or association, put in circulation as money, until the same are paid or returned.
- Directors; when shall declare dividend. (2199.) SEC. 18. The directors of each bank shall, semi-annually, on the first Monday in January and July, declare a dividend of so much of the net profits of the bank as they shall deem expedient, and on each of said days the president or cashier shall make a full, clear, and accurate statement to the State Treasurer of the condition of the bank as it shall be on that day, after declaring the dividend, if any be declared, which shall be verified by the oath of the president or cashier, and shall contain a full abstract of the general accounts of the bank, so as to show plainly its resources and liabilities and the amount of each kind thereof, and the same shall be published, at least once a week for three successive weeks, in some newspaper of the county where such bank is located, if any paper be published therein, if not, then in any paper published in Detroit.¹
- To make statement of condition to State Treasurer. (2200.) SEC. 19. If such association shall neglect to make out and transmit the statement required in the preceding section, for one month beyond the period when the same is required to be made, or shall willfully violate any of the provisions of this act, such association may be deemed insolvent, and may be proceeded against and dissolved in the same manner as any moneyed or other corporation may be proceeded against and dissolved.
- Contents. (2201.) SEC. 20. Such association shall be liable to pay to the holder of every bill or note put into circulation as money, and to the holder of every sight check or draft drawn on such association against money in deposit with it, to the credit of the drawer, subject to such sight check or draft, the payment of which shall have been demanded and refused, damages for non-payment thereof in lieu of interest, at and after the rate of fourteen per cent per
- Where published. Association liable to pay damages in certain cases to holders of notes, checks, drafts, etc.
- When association may be deemed insolvent.

¹ As amended by Act 7 of the Laws of 1871, p. 8, approved January 27, 1871.

annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon. The directors and officers of any such association refusing to pay its deposits on demand, when such deposits are, by the conditions upon which they were received, subject to sight drafts, shall be personally liable for such deposits, and any director or officer of such association, and any individual banker, who shall fraudulently, and with intent to cheat and defraud any person, receive any deposit, knowing or having good reason to believe, at the time of receiving such deposit, that such association or individual banker is insolvent, shall, if such deposit is not paid on demand, be deemed guilty of a misdemeanor, and on conviction therefor be punished by imprisonment in the State Prison not exceeding three years.

Directors and officers to be individually liable and guilty of misdemeanor in certain cases.

(2202.) SEC. 21. The president and cashier of every such association formed pursuant to the provisions of this act, shall at all times keep a correct list of the names of all the shareholders of such association, and shall record a copy of such list in the office of the register of deeds of the county where any office of such association may be located, and file the same in the office of Secretary of State, on the first Monday of January in each year: *Provided*, There shall be any change in the shareholders during the previous year.

List of shareholders to be kept and recorded.

Proviso.

(2203.) SEC. 22. It shall not be lawful for the State Treasurer or other officer to countersign bills or notes for any person or association, of persons organized under the provisions of this act, to an amount in the aggregate exceeding the stocks or public funds deposited or transferred to said Treasurer, as hereinbefore provided, by any such person or association of persons, for bills or notes returned to him except as herein provided; and any treasurer or other officer who shall willfully violate the provisions of this section, shall, upon conviction, be adjudged guilty of a felony, and shall be punished by imprisonment in the State Prison not less than five years.

State Treasurer not to countersign bills to an amount greater than the stocks deposited.

Punishment for violation of this provision.

(2204.) SEC. 23. It shall not be lawful for any person or association formed under the provisions of this act, to make any of its bills or notes, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted; and all said bills or notes shall be redeemed at said place of business.

Bills not to be payable at any other place than at the office of the association.

(2205.) SEC. 24. It shall not be lawful for any person or association authorized to carry on the business of banking under the provisions of this act, to receive, pay out, give, or offer, in payment

Association not to pay out notes of banks out of this State, payable in this State.

as money, to circulate or attempt to circulate as money, any bill, note, or other evidence of debt, issued or purporting to have been issued by any corporation, association, or individual, situated or residing out of this State, which bill, note, or other evidence of debt, shall upon any part thereof purport to be payable or redeemable at any place or by any person, association, or corporation within this State.

Notes not receivable at par by association not to be lent or paid out by it.

(2206.) SEC. 25. It shall not be lawful for any association or individual authorized to carry on the business of banking under this act, directly or indirectly, to lend or pay out for paper discounted or purchased by him or them, any bank bills, note, or other evidence of debt, which is not received at par by the said association or individual banker, either for debts due to such association or individual banker, or received by such association or individual banker from dealers and customers in the regular and usual course of business.

Forfeiture for violation of preceding sections.

(2207.) SEC. 26. Every corporation, association, or individual, who shall willfully offend against any of the provisions of the last three preceding sections, shall forfeit for each and every offense the sum of one thousand dollars, to be recovered with costs of suit in the name of the people of this State, for the support of the township libraries of the several townships in the county where such forfeitures shall be recovered; and every officer and clerk of such association, and every individual banker, and his clerks and servants, who shall knowingly act or assist in any violation of any provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment, or both, at the discretion of the court; but such fine shall not exceed five hundred dollars, or such imprisonment shall not exceed six months.

Punishment of officers, etc., therefor.

Notes less than one dollar not to be issued.

(2208.) SEC. 27. No note or bill, intended to circulate as money, shall issue or be put in circulation by any association or individual bankers of a less denomination than one dollar, nor unless such bill or note shall be made payable on demand, and without interest.

Appointment of bank-note registers.

(2209.) SEC. 28. The State Treasurer shall appoint one or more registers, to countersign and register, in a book to be kept for that purpose, all circulating notes issued under the provisions of this act, who shall hold his office during the continuance of said Treasurer in office, unless sooner removed by said Treasurer; and said register or registers shall take the constitutional oath of office, and execute a bond to the people of this State, in the penal sum of ten thousand dollars, with responsible sureties, conditioned for

Oath and bond.

the faithful discharge of his duties as such register under this act, which bond shall be approved by the State Treasurer, and shall be filed with the Secretary of State. Such register shall receive a compensation of five dollars per day for each day's service he shall perform in the discharge of his duties as such register.¹

(2210.) SEC. 29. It shall not be lawful for any association of persons, or individual banker, to cause plates to be engraved, or notes to be printed, as provided by section eleven of this act, until he or they shall have deposited with the State Treasurer the securities mentioned in section ten, to the amount of at least twenty-five thousand dollars.²

Deposit to be made with State Treasurer before plates can be engraved.

(2211.) SEC. 30. Whenever the securities deposited for the redemption of the circulating notes of any association or individual shall, in the opinion of the Treasurer, become insufficient for the purpose, he may revoke the power of attorney heretofore mentioned, receive the interest or dividends on the stock so deposited, and shall retain the same in trust for the association or individual to whom the same may belong, until said interest or dividends so received, when added to the securities so deposited, shall be deemed sufficient security for such circulating notes; or said Treasurer may immediately give notice thereof to the president or cashier of such association, or to such individual banker, who shall forthwith return to said Treasurer an amount of circulating notes, so countersigned, equal to the depreciation of such stock.

Proceedings of Treasurer when securities become insufficient

(2212.) SEC. 31. It shall be the duty of the joint committee of the Legislature chosen to examine the Treasurer's accounts, to examine such of the securities deposited in the Treasurer's office by banking associations and individual bankers, together with the books and papers therein relating to the business of banking, as the said committee may deem necessary to, enable them to report the true state and condition of the department to the Legislature.

Joint committee of Legislature to examine Treasurer's accounts securities, books and papers.

(2213.) SEC. 32. All fees for protesting the circulating notes issued by any banking association or individual bankers shall be paid by the person procuring the services to be performed, for which such association or banker shall be liable; but no part of the securities deposited by such association or banker shall be applied to the payment of such fees.

Fees of protest, by whom paid.

¹ As amended by Act 182 of the Laws of 1867, p. 177, approved March 27, 1867.

As amended by Act 96 of the Laws of 1869, p. 164, approved and took effect April 2, 1869.

Banks subject to inspection of Treasurer.

(2214.) SEC. 33. Every banking association and individual banker, ~~carrying on banking business~~ under or by virtue of the provisions of this act, shall at all times be subject to the inspection and supervision of the State Treasurer.

Proceedings when banks refuse to submit to inspection.

(2215.) SEC. 34. In case any of the associations or individual bankers shall refuse to submit its books and papers to the inspection of said Treasurer, or whose officers shall refuse to submit to be examined upon oath touching the concerns of such association or individual banker, or if any of them shall be found to have violated any law of this State, binding upon such association or individual banker, he or they shall be liable to be proceeded against by such Treasurer, in the same manner and with like effect as any incorporated bank may be proceeded against for a violation of its charter.

Shareholders may commence suit against association.

(2216.) SEC. 35. Any association [associate] or shareholder in any such association may, in respect of any demand which he may have, either solely or jointly with any other person, against such association, commence and prosecute, either solely or jointly (as the case may be), any action, suit, or proceeding in law or equity, against such association, for the recovery thereof; and such association may commence and prosecute any action, suit, or other proceeding in law or equity, against any person or persons who may be, or who have been, an associate or shareholder of such association, either alone, or jointly with any other person or persons, against whom such association may have any demand whatever. All such suits, or proceedings, by or against such association, shall be conducted and have the same legal effect as if such association [associate] or shareholder had never been a member of such association. Nor shall any action or suit be in any way affected by reason of the plaintiffs or defendants, or any other person who may be in any way interested in said action, being or having been a shareholder or associate of such association; nor shall it be necessary in any process, pleading, or proceeding, in behalf of or against any such association, to name the individuals composing the same.

And association against shareholders.

Proceedings upon relinquishing banking business.

(2217.) SEC. 36. When any individual banker or association, desirous of relinquishing the banking business, shall have redeemed at least ninety per cent of their circulating notes, and shall produce to the Treasurer a certificate of deposit to his credit, in such bank as he shall approve, or shall pay to said Treasurer, an amount equal to the circulating notes of such bank unredeemed, it shall be lawful for said Treasurer to receive the same and to give and trans-

fer all the securities theretofore deposited by such banker or association for the redemption of circulating notes issued.

(2218.) SEC. 37. Such bank or association, after having complied with the provisions of the preceding section, may give notice, once in each month, for two successive years, in some newspaper published or printed in the city of Detroit, and also in at least one newspaper printed in the county, if there be one, where such association or bank shall have been located, that all circulating notes, issued by such association or bank, must be presented at the Treasurer's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and on receiving satisfactory proof of the giving such notice for the time aforesaid, the Treasurer shall surrender to the order of the said association or bank, any securities or moneys which he may hold for the redemption or payment of any unredeemed notes of such association or bank.

Notice in such case.

When securities to be surrendered

(2219.) SEC. 38. Nothing in this act contained shall be so construed as to prevent any association or individual banker, organized under this act, from making, issuing, or putting in circulation bills of exchange on foreign countries, or places beyond the jurisdiction or limits of the United States; which bills of exchange may be made payable at or with the customary usance, and at or within ninety days' sight; but no such draft or bill of exchange shall be used or put in circulation as money by any such bank or banking association.

Foreign bills of exchange may be put in circulation.

(2220.) SEC. 39. A book shall be provided and kept by every association and individual banker organized under the provisions of this act, in which shall be entered the names and residences of the stockholders or shareholders in such association, the number of shares held by each, the time when each person became such stockholder or shareholder, every registered transfer of stock or shares upon the books of the association or bank, the time when any stock or share was transferred, the name of the assignee or assignees, with his or their residence, and the number of shares transferred. The said books shall be, at all times during the usual hours of transacting business, subject to public inspection. A neglect to provide and keep such book ready for examination, as herein provided, shall subject the association or bank whose duty it is to provide and keep the same, to a penalty of one hundred dollars for every day's neglect; and a refusal, by any officer of such association or bank, to exhibit such book to any person demanding the inspection thereof, shall subject such officer to a penalty of fifty dollars. The

Share books to be kept.

To be subject to inspection.

Penalty for neglect.

- said penalties may be sued for and recovered, with costs, by any person who will prosecute for the same, in the name of the people of the State, and shall be exclusively applied to the support of the township libraries in the county where such penalties shall be recovered. In all actions, suits, and proceedings under this act, the said book shall be presumptive evidence of the facts therein stated.
- Share book to be evidence.**
- Any person or association making, directing, or consenting to any false entry in such book, or in any other book of such banker, shall, upon conviction thereof, be sentenced to imprisonment in the State Prison not less than one nor more than three years.
- Punishment for false entry.**
- (2221.) SEC. 40. The officers and stockholders of every corporation or association formed under this act shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equally and ratably, to the extent of their respective shares of stock in any such corporation or association.¹
- Officers and stockholders individually liable for debts of corporation.**
- (2222.) SEC. 41. A judgment rendered against any officer or stockholder, or any number thereof, shall not be a bar to a prosecution or suit against any other officer or stockholder of such association or bank, for the recovery of the same indebtedness.
- Judgment against one officer or stockholder not a bar to proceedings against others.**
- (2223.) SEC. 42. All transfer of notes, bonds, bills of exchange, or other evidences of debt owing to any bank, or of deposits to its credit; all assignments of mortgages or other securities on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its stockholders or creditors; all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be held utterly null and void.
- Certain transfers, etc., void.**
- (2224.) SEC. 43. In case of the insolvency of any bank or banking association, organized under this act, the bill holders thereof shall be entitled to a preference in payment over all other creditors of such bank or association.
- Bill holders entitled to preference in case of insolvency of bank.**
- (2225.) SEC. 44. Suits may be instituted and prosecuted by and against such association or bank in the same manner and in like cases as natural persons.
- Suits may be prosecuted as against natural persons.**
- (2226.) SEC. 45. The stockholders, collectively, of any bank, shall at no time be liable to such bank, either as principal, debtors, or sureties, or both, to an amount greater than two-fifths of the
- Stockholders not liable to bank for more than two-fifths of stock.**

¹ As amended by Act 60 of the Laws of 1871, p. 75, approved March 29, 1871.

amount of the capital stock actually paid in and remaining undiminished by losses or otherwise.

(2227.) SEC. 46. It shall be the duty of the Secretary of State to report to the Legislature at the commencement of each session :

Secretary of State to report to Legislature.

First. A summary of the state and condition of every incorporated or organized bank, banking association, and individual banker, from whom reports have been received the preceding year or years, at the date or dates to which such report refers, with an abstract of the whole amount of banking capital returned by them respectively, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of resources and means, the amount of specie held by them, and such other information in relation to said banks, associations, and bankers, as in his judgment may be useful :

What report to state.

Second. A statement of the banking associations and bankers whose business has been closed during the preceding year or years, with the amount of their circulation redeemed, the rate of such redemption per cent, and the amount outstanding. Such report shall be made by or before the last day of the year.

(2228.) SEC. 47. The Treasurer, Attorney General, or any committee appointed by the Legislature or either branch thereof, shall have power to examine the books, papers, conditions, and affairs of any bank or association organized under the provisions of this act, and for that purpose may examine, on oath, any individual banker, and the officers, agents, partners, and clerks of such banker, and of any bank or association, touching the matters he or they shall be directed or may desire to inquire into ; and any willful false swearing in any such examination shall be deemed perjury. They may also inquire whether any banker or association transacts the business of banking at the place designated in its articles or certificates of association ; whether such banking business is conducted in the manner prescribed by law.

Powers of Treasurer, Attorney General, or committees in making examinations and inquiries concerning banks.

(2229.) SEC. 48. Such officer shall have power to summon any inhabitant of the county in which he or they may be conducting the inquiry, to appear before him or them and testify in relation to the same.

ibid.

(2230.) SEC. 49. If it shall appear from such examination and report, that any bank, association, or individual banker is in an unsound or unsafe condition to do banking business, or that the business of banking is not transacted by such bank, association, or banker at the place designated in its certificate or articles of association, or is not transacted in the manner prescribed by law, it

Duty of Treasurer to withhold notes in certain cases.

shall be the duty of the Treasurer to withhold and refuse to issue or deliver any registered notes to such bank, association, or banker, until he shall be satisfied that such bank, association or banker, is in a sound and safe condition to do a banking business, and that the business of banking is transacted by such bank, association, or banker, at the place designated in its certificate or articles of association.

Individual banker to sign notes himself.

Penalty for violation.

(2231.) SEC. 50. The circulating notes delivered to individual bankers, shall be signed by him only, and not by any attorney or agent; and any banker or person acting as his cashier, attorney, or agent, who shall willfully violate any provision of this section, shall be liable to a penalty of not more than one thousand dollars for each offense, to be recovered in an action of debt in the name of the people of this State.

Individual banker not to sell the business of banking.

(2232.) SEC. 51. It shall not be lawful for any individual banker having circulating notes, obtained under the provisions of this act, to sell or transfer the business of banking upon the securities deposited by him, to any person or persons; and, until such business shall be closed by the return of the circulating notes issued and the delivery of the securities deposited, the same shall be conducted only in the name of the individual banker by whom the said securities were deposited, and he shall continue and remain individually liable for the payment of all the debts, dues, and demands, and circulating notes contracted or issued by him.

Taxation of real estate owned by banks authorized

(2233.) SEC. 52. All real estate owned by such bank, association, or individual banker, may be taxed as other real estate in the city, village, or township where the same may be situate, and shall also pay to the State Treasurer twenty-five cents, for the use of the State, for every one hundred bills or notes countersigned and registered by said treasurer or register, as required by this act.¹

Fee to State Treasurer for bills countersigned, etc.

Punishment for removing from Treasurer's office, or destroying or defacing, bonds, stocks, etc.

(2234.) SEC. 53. Any person who shall take, remove, or carry away from the office of the State Treasurer, contrary to the provisions of this act, or shall deface or destroy, any of the bonds, stocks, or other securities therein deposited pursuant to the provisions of this act, and any person having charge of such Treasurer's office, who shall suffer or permit the taking, removing, or destroying any of the bonds, stock, or other securities deposited or transferred as aforesaid, shall, upon conviction, be punished by imprisonment in the State Prison for a term not exceeding ten years.

¹ As amended by Act 188 of the Laws of 1890, p. 258, approved and took effect April 8, 1890.

(2235.) SEC. 54. If any individual banker, or any officer or clerk, agent, or other person in the employ of any bank, association or individual banker, shall issue or put in circulation as money, any bill or note purporting to have been issued by such bank, association, or individual banker, not being or having been countersigned by the register, as provided by this act, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punishable by imprisonment not exceeding three years, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment in the State Prison, at the discretion of the court.

Punishment for putting in circulation bills not countersigned.

(2236.) SEC. 55. Every bank, association, or individual banker, organized under the provisions of this act, and issuing bills of circulation, shall, before issuing any such bills or notes, appoint an agent, who shall keep an office in the city of Detroit for the redemption of circulating notes issued by such bank, association, or individual banker, which shall be presented to such agent for redemption or payment. It shall be the duty of every such bank to redeem and pay on demand all circulating notes issued by said bank, presented for redemption or payment at the office of their said agent in the city of Detroit, at one-half of one per cent discount, and every such bank, whose agent shall neglect or refuse to redeem their notes on demand at the rate aforesaid, shall pay to the person making such demand interest at the rate of twenty per cent per annum upon the notes so demanded, and if such redemption and payment of interest is not made at said agency within ten days from the time when first demanded, the same proceedings shall be had as are by this act provided in case of refusal by any bank to redeem its bills when presented at its own office.

Redemption offices in Detroit

Circulating notes to be redeemed in city of Detroit on demand at one-half of one per cent.

(2237.) SEC. 56. Such appointment shall be in writing, and a copy thereof shall be delivered to the State Treasurer and filed in his office, before he shall deliver to such bank, association, or individual banker, any notes or bills countersigned as aforesaid; and any bank, association, individual banker, or other person may be an agent for the purpose of this act; and if any such bank or banker shall omit to appoint such agent before commencing, the State Treasurer shall appoint such agent for such bank.

Appointment of agents to be in writing.

(2238.) SEC. 57. Appointments of agents made in pursuance of this act may be revoked and new appointments made from time to time, by delivering such revocation and appointment to the State Treasurer, who shall cause the same to be published as hereinafter mentioned.

Appointment may be revoked

Appointment to
be published.

(2239.) SEC. 58. The Treasurer shall, immediately after the receipt of such appointment, cause the same to be published in some newspaper published in the city of Detroit, for such time as he may deem proper, the expenses whereof shall be paid by such bank, association, or individual banker.

Banks not to
take up notes at
less than amount
due thereon.

(2240.) SEC. 59. Nothing herein contained shall be construed as to authorize any bank, association, or individual banker to purchase, buy in or take up, directly or indirectly, their circulating notes, at an amount less than what purports to be due thereon, at any other place or in any other manner than is directed in and by this act.

This act to be
submitted to
electors.

(2241.) SEC. 60. This act shall be submitted to the electors of this State, for their approval or disapproval, at the next general election. At said election a ballot-box shall be provided and kept by the several boards of inspectors thereof, for receiving the votes cast for or against this act; and on the ballot shall be written or printed, or partly written or partly printed, the words "A general banking law—Yes," or "A general banking law—No."

Manner of voting
on the question.

(2242.) SEC. 61. The canvass of the votes cast for or against this act, and the returns thereof, shall be made by the proper canvassing officers, within the same time and in the manner as now provided by law for the canvass and the return of the votes cast at the said general election, and the result be declared by the board of canvassers at the same time and manner as the result of the canvass for State officers; and if it shall appear that a majority of the votes cast at such election have thereon "A general banking law—Yes," this act shall become a law, and take effect within sixty days after said general election.

Fractional bills
not to be issued.

(2243.) SEC. 62. It shall not be lawful for any bank, association, or individual banker organized under the provisions of this act, to issue circulating notes for fractional sums of money.

SAVINGS BANKS.

How banks may
be formed.

(2244.) SEC. 63. It shall be lawful for any number of persons, not less than five, to form associations, or banks, under the provisions of this act, with a capital stock of not less than twenty-five thousand dollars in cities or villages of twenty thousand inhabitants or under, and fifty thousand dollars in cities of over twenty thousand inhabitants, three-fifths of which capital stock shall be paid in, and the remainder to be paid within one year, and which shall have all the powers and privileges, except that of issuing bank notes, and be subject to all the restrictions and limitations of asso-

Amount of capi-
tal stock.

Powers and
privileges.

ciation, or banks, heretofore provided for, as well as those herein-after contained; which said banks and corporations shall be known as "savings banks."¹

Shall be known
as savings banks

(2245.) SEC. 64. The business and property of such savings banks shall be managed by a board of directors or trustees, of not less than five, all of whom shall be stockholders, the first board to be designated in the articles of association, and who shall, at their first meeting, and as often thereafter as their by-laws shall require, elect from their number a president and vice-president. All vacancies in the board of directors or trustees shall be filled at the next regular meeting of the board, from among the stockholders, after such vacancy shall arise, and the person receiving a majority of the votes of the directors or trustees present shall be duly elected. A majority of the directors or trustees shall constitute a quorum of said board for the transaction of business.¹

Directors or
trustees shall
manage business

And shall elect
president and
vice president.

How vacancies
shall be filled.

Quorum.

(2246.) SEC. 65. Said savings banks may receive, on deposit, all such sums of money as shall from time to time be offered by tradesmen, mechanics, laborers, servants, minors, and others, for the purpose of safe-keeping, or being invested as may be authorized by this act, and all deposits in said banks shall be repaid to such depositors, or his or her lawful representative, when required, at such time or times, and with such interest, and under such regulations, as the board of directors or trustees shall from time to time prescribe, which regulations shall be printed and conspicuously exposed in some place accessible and visible to all in the business office of said banks; and no alteration which may at any time be made in such rules or regulations shall in any manner affect the rights of a depositor, in respect to deposits, or the interest thereon, made previous to said alteration.¹

Such banks may
receive money
on deposit.

To repay when
demanded.

Regulations
shall be printed,
etc.

Alterations
thereof not to
affect rights of
previous deposi-
tors.

(2247.) SEC. 66. The board of directors or trustees shall invest two-thirds of the deposits made with them upon the security of stocks of this State, or of the United States, or in the public debt, stock, or bonds of any city, county, or school district in this State, which shall have been authorized by the Legislature of this State to issue such stocks or bonds, or loan the same upon bond secured by mortgage upon unincumbered real estate worth at least double the amount loaned, or in such other manner as is authorized by this act; and from the remainder of said deposits, temporary deposits may be made by said board in any national bank, any of the incor-

How two-thirds
of deposits shall
be invested.

Remainder may
be deposited in
other banks.

¹ As added by Act 74 of the Laws of 1871, p. 98, approved March 31, 1871.

porate banks of this State, or in any associations which are now or may hereafter be formed under the general banking laws of this State, said deposit not to exceed twenty-five thousand dollars in any one bank, or they may keep the whole or any part of the said remainder to meet the current payments of such corporation, and which may by them be kept on deposit, interest, or otherwise, or in such suitable form as the directors or trustees may direct. All certificates or evidences of deposit made by the proper officers of said banks shall be as effectual to bind the banks as if made under the common seal thereof; but said savings banks shall not issue any bill, note, or certificate calculated or intended to circulate as money. Any director or trustee, stockholder, officer, agent, or employe of such banks, who shall embezzle or appropriate to his or their own use any of the money belonging to or deposited with said banks, or any security belonging to said banks, or deposited with them for safe keeping, or cause to be issued any bill, note, or certificate, designed, intended, or calculated to circulate as money, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the State Prison not more than twenty years, or by fine not exceeding ten thousand dollars, or both, in the discretion of the court.¹

(2248.) SEC. 67. It shall be the duty of the board of directors or trustees, from time to time, to regulate the rate of interest to be allowed to depositors, and pay the same at regular and stated periods, and they may make such dividend or dividends from the surplus profits, after the payment of or setting aside a sufficient amount to pay the interest to depositors of said banks, on the capital stock of said banks, after deducting the necessary expenses of said banks; and the directors or trustees of all savings banks formed under this act shall, within thirty days from and after the date of the incorporation of such bank, notify the State Treasurer of the date aforesaid, and shall, on the first Mondays of January, April, July, and October, of each year, make and file with the State Treasurer, to be published in his annual report, a complete statement of the condition of said banks, showing the amount of deposits, special or otherwise, the amount of the investments of said banks, specifying the character of the same; and such reports shall be published as required by section eighteen of the act to which this is amendatory.¹

Or it may be kept on hand.

Certificates of deposit valid without the seal.

Shall not issue bills, etc.

Penalty for embezzlement, etc.

Directors to regulate the rates of interest.

May make dividends.

Shall notify State Treasurer of date of incorporation.

And make quarterly statements to same.

Such reports to be published.

¹ Vide note to section 68 of this act.

(2249.) SEC. 68. When any deposit is made in any savings bank organized under this act, by a person being a minor, the said bank may pay to such depositor such sums as may be due to him or her, although he or she have no guardian, and the receipt of such minor shall be in all respects valid in law.¹

Receipts of
minors valid.

(2250.) SEC. 69. The officers and stockholders of any bank or association organized under the provisions of this act shall be subject to all the liabilities provided for in section forty of the act to which this is amendatory. Any bank or association formed under the provision of this act shall at all times hold, either in their own keeping or on deposit (subject to call) with some national bank, or with other bank organized under general law, at least twenty per cent of the savings deposits of said bank or association; and no part of the capital, deposits, investments, or loans shall be divided among the stockholders until all the depositors shall be paid in full, or until ample provision is made for the payment of the same, by depositing the necessary amount with the State Treasurer; and any director or trustee, officer, agent, or stockholder of said banks who shall violate this section, shall be liable to the penalty mentioned in section sixty-six of this act, and the shares of stock of any organized savings bank shall not be taken as collateral security for any loan made by the bank issuing the stock, nor shall deposits be made therein.¹

Liabilities of
officers.

Twenty per cent
of savings de-
posits shall be
kept on hand or
on deposit sub-
ject to call.

Depositors to be
paid in full in
full in case of
division of as-
sets.

Penalty for vio-
lating this sec-
tion.

Bank stock not
to be taken as
collateral.

(2251.) SEC. 70. Any bank or association existing under or by virtue of any law of this State may be reorganized under the provisions of this act, and, when duly organized, all securities, real estate, or property may be transferred to such new organization; but no such reorganization shall have the effect to discharge the original bank, its directors or stockholders, from any liability to its depositors, or any other person, but the same shall continue until legally discharged; and such new organization or bank shall be legally liable to pay every claim or demand existing against the bank whose assets or property, or any part thereof, it has received by reason of such reorganization.¹

Existing banks
may reorganize
under this act.

Old liabilities to
continue in force
against new or-
ganizations.

(2252.) SEC. 71. The subordinate officers and agents of said corporation shall, respectively, give such security for their fidelity and good conduct as the board of directors or trustees may from time to time require.¹

Officers and
agents to give
security.

(2253.) SEC. 72. Any person or persons who shall be engaged in, or carry on, a private bank, and who shall put up or cause to be

Penalty for pri-
vate banks ad-
vertising as sav-
ings banks.

¹ Vide note to section 68 of this act.

put up or exhibited any sign, and who shall issue or cause to be issued or circulated any card, circular, or advertisement purporting to be a savings bank or institute, not being organized under any law of this State, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding two hundred dollars.¹

Savings depositors entitled to preference in case of insolvency.

(2254.) SEC. 73. In case of the insolvency of any bank or association formed under this act, the savings depositors thereof shall be entitled to a preference in payment over all other creditors of such bank or association.¹

An Act making it obligatory upon banks and bankers in this State to stamp counterfeit, altered, and worthless bank bills.

[Approved March 14, 1865. Laws of 1865, p. 273.]

Bankers required to stamp counterfeit bills, etc.

(2255.) SECTION 1. *The People of the State of Michigan enact,* That any bank or banker in this State to whom may be tendered in payment or upon deposit, or for any other purpose, a counterfeit or worthless bank bill, or a bank bill which has been altered from its original denomination or name, or a paper not a bank bill but made in the similitude thereof, or purporting to be the bill of a bank which never existed, shall write or stamp upon all such counterfeit bills the word "Counterfeit;" upon all such altered bills the word "Altered;" and upon all such other bills and papers the word "Worthless," adding thereto the name of the bank or banker by which the writing or stamp is made.

Penalty for neglect to stamp.

(2256.) SEC. 2. Any bank or banker willfully or knowingly neglecting or refusing to write upon or stamp any bill or bills, knowing them to be counterfeit, altered, or worthless, as presented in the preceding section, shall forfeit and pay the purported value of the bill or bills allowed to pass without being so written upon or

How recovered.

stamped, to be recovered before any court having jurisdiction, and paid into the county treasury for the benefit of the library fund; and if any bank or banker or bank officer shall so write upon or stamp a bank bill which is not a counterfeit, or altered, or worthless bill, such bank or banker or bank officer shall only be liable to pay the holder thereof the value of such bill or bills, which shall be paid on presentation and surrender of such bill or bills to the person stamping or marking the same.

Banker to pay value of bill if not counterfeit, etc.

¹ Vide note to section 63 of this act.

CHAPTER LXIII.

SAVINGS ASSOCIATIONS.

An Act to provide for the incorporation of savings associations.

[Approved April 3, 1869. Laws of 1869, p. 202.]

(2257.) SECTION 1. *The People of the State of Michigan enact,* Authorizing offices of deposit and loan.
That any five persons, or more, may associate themselves together and establish offices of deposit and loan of money, upon the terms and conditions, and subject to the liabilities and restrictions, prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than ten thousand dollars Aggregate amount of capital stock. nor more than one hundred thousand dollars. One-half, at least, of such capital stock shall be paid in before any such association shall One-half paid in before business is commenced. commence business, or receive any deposits or make any loans.

(2258.) SEC. 2. Such persons, under their hands and seals, shall make a certificate, in writing, which shall specify— Certificate of association.

First. The name assumed to distinguish such association, and to be used in all its dealings; Contents.

Second. The place where the operations of deposit and loan of such association are to be carried on, designating the particular county, city, town, or village, at which place such association shall keep an office for the transaction of its business;

Third. The amount of the capital stock of such association, and the number of shares into which the same is divided;

Fourth. The name and place of residence of the shareholders, and the number of shares held and owned by each of them, respectively;

Fifth. The period at which such association shall commence and terminate, and which period shall not exceed thirty years;

Sixth. The names and place of residence of the several trustees and officers, and the number of shares of the capital stock of such association owned and held by each of such trustees and officers; which certificate shall be proved or acknowledged and recorded in the office of register of deeds of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State.

Acknowledgment and record of.

Effect of certified copy of certificate of association.

(2259.) SEC. 3. The certificate required by the last preceding section to be recorded in the office of the register of deeds of the county and filed in the office of the Secretary of State, as aforesaid, or copies thereof duly certified by either of said officers, may be used as evidence in all courts and places, for and against such association.

Relative to deposits, interest, and loans.

(2260.) SEC. 4. Such association, when so organized, shall have power to receive deposits of money and pay interest on the same at such rates as shall be agreed upon, but in no case exceeding seven per cent per annum, and may loan such deposit money upon real-estate security, upon United States stocks, upon the stocks of the State of Michigan, or upon any bonds issued by the county in which such association is located, or upon bonds of any city or school district in said county.¹

Loans on personal security.

(2261.) SEC. 5. It shall not be lawful for any association formed under this act to loan money on any personal security to an amount in the aggregate exceeding their own cash capital which shall have been paid in on their own stock, and shall remain unimpaired, and exclusive of all that shall have been invested in office furniture and fixtures or real estate, it being the true intent and meaning of this act to limit the loaning of any moneys to be deposited in any such association to productive unincumbered real-estate security, or United States stocks, or Michigan State stock security, or upon bonds issued by the county in which such association is located, or upon bonds of cities or school districts in said county.¹

Intent of this act.

Prohibiting buying and selling of exchange, etc.

(2262.) SEC. 6. It shall not be lawful for any association organized under this act, to engage in the business of buying and selling exchange, nor to issue any letters of credit, or buy and sell commercial paper, or do any business pertaining to banking, except as in the receiving and loaning deposits as above stated, but any such association may use its own capital stock actually paid in and

Exceptions.

How may use own paid-up capital.

¹ As amended by Act 138 of the Laws of 1871. p. 307, approved April 17, 1871.

remaining unimpaired for the purpose of buying and selling exchange.

(2263.) SEC. 7. The stockholders who shall have signed the said certificate, and filed and recorded the same as specified in this act, may call the first meeting of the same, and choose a board of trustees, consisting of not less than three nor more than ten persons, who shall hold their offices until their successors are chosen at the first regular annual meeting, to be held as hereinafter provided.

Call of first meeting.

Choice of trustees.

Term of office.

(2264.) SEC. 8. It shall be the duty of every association formed under this act to hold an annual meeting on some day in the month of January, in each and every year, at which time they may choose a board of trustees, make by-laws, and transact any other business not inconsistent with the provisions of this act; and the trustees so to be chosen shall hold their office for the period of one year and until their successors shall have been elected and qualified.

Annual meetings.

Choice of trustees.
By-laws.

(2265.) SEC. 9. A majority of the trustees of any such association may choose a president, vice president, and treasurer, and any other officers authorized by their by-laws: *Provided*, No such president or vice president shall receive any pecuniary consideration for his services as such, nor shall any trustee be paid for his services as trustee, nor shall loans of money be made to the officers or trustees of such association from its funds.

Trustees to choose officers.

Proviso.

(2266.) SEC. 10. Such trustees, or a majority of them, shall at least once in each month make a careful examination of the books, securities, and funds of every such association, and shall in writing give a summary of the same in a book to be kept for that purpose, which shall be open to the inspection of all the stockholders and depositors.

Trustees shall examine books, etc., and record a summary of the examination.

Book open for inspection.

(2267.) SEC. 11. Every association formed under this act may provide for its use in its business a common seal, alter or change the same at pleasure; may authorize its president, treasurer, or any other officer to use the same, and to sign, execute, and deliver all necessary papers, whether under seal or not, pertaining to the proper transaction of the business of said association.

Seal; who to use same, and sign, etc., papers

(2268.) SEC. 12. Every such association so organized, shall have power to sue and be sued, plead and be impleaded, answer and be answered, in all suits arising from or growing out of its business, under and by virtue of this act, in all courts of competent jurisdiction.

Powers to sue, etc.

(2269.) SEC. 13. The board of trustees of every such association shall exhibit to the Attorney General of the State, for the time being, during the month of January, in each and every year, a

Report to Attorney General in January.

Contents of report. report of the condition of such association at the close of the year immediately preceding. Such report shall state the number of depositors, the amount of deposits, the aggregate of loans, and amount upon each class of securities, the names and residence of their trustees and officers for the time being, and any other matters affecting the safety of their deposits or the interest of their creditors.

Attorney General to present report to Legislature. Power of Attorney General to close up affairs of association.

(2270.) SEC. 14. The Attorney General of the State shall present all such reports received by him to the Legislature in regular session, at his earliest opportunity; and whenever, upon knowledge, information, or belief, derived from said reports, or from any other source, he shall deem it necessary for the interests of the creditors of any such association, or that its business is being conducted in a manner inconsistent with the provisions of this act or any of the laws of this State, he shall have full power, and it is hereby made his duty, to proceed to close up the affairs of such association, in any court of competent jurisdiction, and according to the laws in such case made and provided.

Concerning dividends to stockholders, etc.

(2271.) SEC. 15. No association organized under this act shall divide among its stockholders more than its actual profits, over and above all losses, at the time of making any dividend, nor shall it divide, as aforesaid, more than ten per cent on the full amount of capital stock in any one year, during the existence of the association, and until all its creditors are fully paid.

Treasurer shall give bonds.

(2272.) SEC. 16. The treasurer of every such association shall give good and sufficient bonds, in the penal sum of not less than ten thousand dollars, to the trustees, for the faithful performance of the duties devolving upon him; and in case of his defalcation said treasurer shall be deemed personally guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment not exceeding two years in the State Prison.

In case of default, etc.

Association may accept and execute all trusts committed.

(2273.) SEC. 17. It shall be lawful for any such savings association to accept and execute all trusts, whether fiduciary or otherwise, as shall or may be committed to said association by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the State of Michigan, and to make such special regulations in reference to trusts, funds, deposits, or savings left for accumulation, or safe keeping, as shall best aid the said depositors or parties interested by accumulating or increasing the same, allowing and receiving such interest therefor as may be agreed upon, not exceeding seven per cent.

May make special regulations in reference to trusts, etc., to aid the interest of parties. Limits to interest received or paid.

(2274.) SEC. 18. Every such savings association, in respect to such trusts or funds as shall be committed to it by any court or tribunal of this State, under the provisions of this act, shall be subject to all such orders and decrees as said court shall make and pass in respect thereto, and to the investment thereof and the security therefor, and shall be liable to account at such time or times, and in such way and manner, as said court or tribunal shall order, for the principal and interest of such trusts or funds.

Association subject to orders, etc., of court, committing trusts, etc., to it.

(2275.) SEC. 19. Whenever a deposit shall be made with any such association, by or in the name of any minor, the treasurer may, if directed by the trustees of such association, pay the same to such minor or the person making such deposit, and the same shall be a valid payment.

Concerning deposits by minors

(2276.) SEC. 20. The real estate which it shall be lawful for any such association to purchase, hold, and convey shall be—

What real estate association may hold.

First. Such as may be requisite for its accommodation for the convenient transaction of its business ;

Second. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance of the provisions of this act ;

Third. Such as shall have been purchased at sales upon judgments or decrees, obtained or rendered for money so loaned ; and no such association shall purchase, hold, or convey real estate in any other case or for any other purpose. And all such real estate as is described in the second and third subdivisions of this section, shall be sold by such association within five years after the same shall be vested in it by purchase or otherwise ; and no such association shall, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandise whatever, except in the cases where it is authorized to do so by the terms of this act, and also, except such personal property as may be requisite for the accommodation and convenient transaction of its business.

SEC. 21. This act shall take immediate effect.

(2277.) SEC. 22. Any association organized under this act is hereby authorized and empowered to increase the capital stock of said bank, from time to time, to an amount not exceeding two hundred thousand dollars.¹

Increase of capital stock.

(2278.) SEC. 23. Such increase shall only be made upon a vote of two-thirds of the capital stock at the annual meeting, or at a special meeting of the stockholders called for that purpose, in which case written notice thereof shall be given at least ten days previous to said meeting, or by an advertisement in the newspapers

How and when made.

¹ As added by Act 188 of the Laws of 1871, p. 307, approved April 17, 1871.

porate banks of this State, or in any associations which are now or may hereafter be formed under the general banking laws of this State, said deposit not to exceed twenty-five thousand dollars in any one bank, or they may keep the whole or any part of the said remainder to meet the current payments of such corporation, and which may by them be kept on deposit, interest, or otherwise, or in such suitable form as the directors or trustees may direct. All certificates or evidences of deposit made by the proper officers of said banks shall be as effectual to bind the banks as if made under the common seal thereof; but said savings banks shall not issue any bill, note, or certificate calculated or intended to circulate as money. Any director or trustee, stockholder, officer, agent, or employe of such banks, who shall embezzle or appropriate to his or their own use any of the money belonging to or deposited with said banks, or any security belonging to said banks, or deposited with them for safe keeping, or cause to be issued any bill, note, or certificate, designed, intended, or calculated to circulate as money, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the State Prison not more than twenty years, or by fine not exceeding ten thousand dollars, or both, in the discretion of the court.¹

(2248.) SEC. 67. It shall be the duty of the board of directors or trustees, from time to time, to regulate the rate of interest to be allowed to depositors, and pay the same at regular and stated periods, and they may make such dividend or dividends from the surplus profits, after the payment of or setting aside a sufficient amount to pay the interest to depositors of said banks, on the capital stock of said banks, after deducting the necessary expenses of said banks; and the directors or trustees of all savings banks formed under this act shall, within thirty days from and after the date of the incorporation of such bank, notify the State Treasurer of the date aforesaid, and shall, on the first Mondays of January, April, July, and October, of each year, make and file with the State Treasurer, to be published in his annual report, a complete statement of the condition of said banks, showing the amount of deposits, special or otherwise, the amount of the investments of said banks, specifying the character of the same; and such reports shall be published as required by section eighteen of the act to which this is amendatory.¹

Or it may be kept on hand.

Certificates of deposit valid without the seal.

Shall not issue bills, etc.

Penalty for embezzlement, etc.

Directors to regulate the rates of interest.

May make dividends.

Shall notify State Treasurer of date of incorporation.

And make quarterly statements to same.

Such reports to be published.

¹ Vide note to section 68 of this act.

(2249.) SEC. 68. When any deposit is made in any savings bank organized under this act, by a person being a minor, the said bank may pay to such depositor such sums as may be due to him or her, although he or she have no guardian, and the receipt of such minor shall be in all respects valid in law.¹

Receipts of
minors valid.

(2250.) SEC. 69. The officers and stockholders of any bank or association organized under the provisions of this act shall be subject to all the liabilities provided for in section forty of the act to which this is amendatory. Any bank or association formed under the provision of this act shall at all times hold, either in their own keeping or on deposit (subject to call) with some national bank, or with other bank organized under general law, at least twenty per cent of the savings deposits of said bank or association; and no part of the capital, deposits, investments, or loans shall be divided among the stockholders until all the depositors shall be paid in full, or until ample provision is made for the payment of the same, by depositing the necessary amount with the State Treasurer; and any director or trustee, officer, agent, or stockholder of said banks who shall violate this section, shall be liable to the penalty mentioned in section sixty-six of this act, and the shares of stock of any organized savings bank shall not be taken as collateral security for any loan made by the bank issuing the stock, nor shall deposits be made therein.¹

Liabilities of
officers.

Twenty per cent
of savings de-
posits shall be
kept on hand or
on deposit sub-
ject to call.

Depositors to be
paid in full in
full in case of
division of as-
sets.

Penalty for vio-
lating this sec-
tion.

Bank stock not
to be taken as
collateral.

(2251.) SEC. 70. Any bank or association existing under or by virtue of any law of this State may be reorganized under the provisions of this act, and, when duly organized, all securities, real estate, or property may be transferred to such new organization; but no such reorganization shall have the effect to discharge the original bank, its directors or stockholders, from any liability to its depositors, or any other person, but the same shall continue until legally discharged; and such new organization or bank shall be legally liable to pay every claim or demand existing against the bank whose assets or property, or any part thereof, it has received by reason of such reorganization.¹

Existing banks
may reorganize
under this act.

Old liabilities to
continue in force
against new or-
ganizations.

(2252.) SEC. 71. The subordinate officers and agents of said corporation shall, respectively, give such security for their fidelity and good conduct as the board of directors or trustees may from time to time require.¹

Officers and
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(2253.) SEC. 72. Any person or persons who shall be engaged in, or carry on, a private bank, and who shall put up or cause to be

Penalty for pri-
vate banks ad-
vertising as sav-
ings banks.

¹ Vide note to section 68 of this act.

Crossing
streams, etc.

Fifth. To construct their road across any stream of water, water-course, private road, highway, plank road, railroad, or canal, which the route of the road shall intersect, but the corporation shall restore the stream or water-course, private road, highway, plank road, railroad, or canal, to its former state, as near as may be ;

To intersect, etc.,
with other rail-
roads.

Sixth. To cross, intersect, join, and unite its railroad with any other railroad now or hereafter constructed, whether the same be so constructed under this act, or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railroad company, with the necessary turnouts, sidings, and switches, and other conveniences in furtherance of the object of its connections, and to make all such running and business arrangements as said companies may agree upon ; and every com-

Companies shall
unite with new
road to form
connections.

pany whose road shall be intersected by any new railroad, shall unite with the owners of such new railroads in forming such intersections and connections, and grant the facilities aforesaid ; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by commissioners to be appointed by the court, as is provided hereinafter for the taking of lands and other property, and to purchase or to take lands, franchises, or other property, as hereinafter provided, which shall be necessary for the construction of its road, and may change the line of its road whenever a majority of its directors shall so determine ; but no such change shall vary the original route of such road to exceed five miles laterally, without the consent of the stockholders ;

To transport
persons, etc.

Seventh. To take, transport, carry, and convey persons and property on their said road, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls and compensation therefor ;

To erect depots.
etc.

Eighth. To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures and machinery for the accommodation and use of their passengers, freight, and business, and obtain and hold the lands necessary therefor ;

To regulate time
and manner of
transporting, etc

Ninth. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor ; but such compensation for transporting any passenger, and his or her ordinary baggage, shall not exceed the

Rates established

following prices, viz : On roads over twenty-five miles in length, three cents per mile ; on roads not over twenty-five miles in length, four cents per mile ; on roads not over twenty-five miles in length,

for any distance under six miles, twenty-five cents, unless by special act of the Legislature, and shall be subject to alteration as herein-after provided: *Provided*, That the rate of freight charged and collected by the officers and agents of such railroad for any shorter distance, shall never exceed that charged and collected for the same class of goods over a longer distance upon the said road; nor shall the rates of freight charged and collected by the officers or agents of said road between any intermediate stations upon said road, at any time exceed by more than twenty-five per cent the pro rata charge per mile for the same character of freight over longer distances upon the said road, or for the entire distance and length of said railroad.¹

(2314.) SEC. 18. In case any railroad company is unable to agree for the purchase of any real estate, property, or franchise required for the purpose of its incorporation, and when it shall have failed to secure the same by legal proceeding, it shall have the right to acquire the title to the same in the manner and by the special proceeding prescribed in this act, but there shall be no power, except for crossing, to take the track or rights of way of any other railroad company without the consent of said company.

How to acquire rights when unable to agree for purchase.

(2315.) SEC. 19. For the purpose of acquiring such title, such company may present a petition to any court of record for such county, and [or] to any judge of the circuit court for such county during the vacation of term, praying for the appointment of three commissioners. Said petition shall be in the name of the company, and shall be signed by one of the directors, or the engineer, or the attorney of said company, on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property, or franchises, or so much thereof as the company seeks to acquire under such petition in said county; that said company is duly incorporated; that it is the intention of said company in good faith to construct and finish a railroad from and to the places named for that purpose in its articles of association; that the capital stock of the company has been in good faith subscribed as required by this act; that the company have surveyed the route of its proposed road in said county and made a map and survey thereof, by which said route is designated, and that they have located their said road according to such survey, and filed a certificate thereof, signed by a majority of the directors of said company, in the register's office of said

Title to lands, how acquired.

Petition to court of record.

What petition to state.

18 Mich., 459.

¹ As amended by Act 109 of the Laws of 1869 p. 179, approved April 3, 1869.

county; that the property described in the petition is required for the purpose of constructing, operating, or repairing the proposed road or its appurtenances, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can, with reasonable diligence, be ascertained, who own or have, or claim to own or have, estates or interests in said property, and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them are idiots or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbances or otherwise, as the company may see fit to make. A copy of such petition, with a notice of the time and place [the same] will be presented to such court or to such judge, must be served on all persons whose interests are affected by the proceedings, at least ten days prior to the presentation of the same to the court or to such judge—

What petition to state.

When served on persons interested.

How served on residents.

Non-residents.

Minors, idiots, etc.

First. If the person on whom service is to be made resides in this State, and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, with some person of suitable age; and if he resides out of this State, but has such agent, as aforesaid, residing in this State, then service may be made on such agent in manner aforesaid, or upon him personally out of this State, or it may be by publishing a notice, stating briefly the object of the application, and giving a description of the land or property to be taken, in some daily paper published in the city of Detroit, and in a paper printed in the county in which such lands or property are situated, if there be one, once in each week for six weeks next previous to the presentation of the petition; and if the residence of such persons residing out of this State be known, a copy of such petition shall be deposited in the postoffice, at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, and the postage in the United States paid thereon;

Second. If any person on whom such service is to be made is a minor or an idiot, or person of unsound mind, and resides in this State, such service shall be made, as aforesaid, on his guardian or committee, as the case may be, or if none, then on the person who has the care of, or with whom said infant, idiot, or person of

unsound mind resides; but if such infant be over the age of fourteen years, then such service shall be made on him personally;

Third. If the person on whom such service is to be made be unknown, or his residence be unknown, then such service may be made by publication for six weeks in the same manner provided in the first subdivision in this section;

Persons unknown.

Fourth. In case any party to be affected by the proceedings is an infant, idiot, or person of unsound mind, and has no guardian or committee, the said court or judge shall appoint a special guardian or committee to attend to the interests of such infant, idiot, or person of unsound mind; and all notices to be served in the progress of the proceeding may be served on such special guardian or committee;

Special guardian in certain cases.

Fifth. In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act, may be made as the said court or judge may direct.¹

Orders, notices, etc.

(2316.) SEC. 20. On presenting such petition to said court or judge, with proof of service of a copy thereof, and notice as aforesaid, all persons whose estates or interests are to be affected by the proceedings may show cause against the prayer of the petition, and may disprove any of the parts [facts] alleged therein and said court or judge shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, said court or judge shall make an order appointing three disinterested and competent freeholders, not residing or owning real estate in any township or city through which said road is to run, as commissioners, to ascertain and determine the necessity for taking such lands, franchises, or other property, and to appraise and to determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the company, and such court or judge shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or persons, or company, whose estate or interest is to be affected by the proceedings, may demand and have, from such court or judge, at the time of the hearing of said petition, a jury of twelve freeholders, residing in the vicinity of such property, to ascertain and determine the necessity for taking such lands, franchises, or other property, and to appraise and determine the damages or compensation to be allowed therefor, and thereupon said court or judge shall

Proceedings on presentation of petitions.

Appointment of commissioners.

Provisions for a jury.
18 Mich., 459.

¹ As amended by Act 203 of the Laws of 1859, p. 569, approved February 15, 1859. Section two of said act repeals contravening laws.

How drawn.	make an order for the drawing of such jury from the petit-jury box of the county, and the said court or judge shall cause to be drawn twelve names from such box accordingly, and shall issue a <i>venire</i> , in the usual form, inserting therein the twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor by the court or judge, which said <i>venire</i> may be served by the sheriff, or other proper officer of the county, as in other cases; and if, at the same time and place appointed by said court or judge for said jury to meet, any of the persons so summoned do not attend, it shall be competent for said court or judge to order the sheriff of said county to summon immediately as many competent persons as may be necessary, with the persons in attendance as
Duty of jury.	jurors, to furnish a panel of twelve jurors; and said jury, when so summoned, shall ascertain and determine the necessity for taking lands, franchises, or other property, and to appraise and determine the damages or compensation to be allowed therefor to the owners or persons interested in each particular description of real estate mentioned in said petition, who have demanded such jury; and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived. ¹
Proceedings by commissioners.	(2317.) SEC. 21. The commissioners shall take and subscribe the oath prescribed by article eighteen of the Constitution; any of them may issue subpoenas, administer oaths to witnesses, and the majority of them may adjourn the proceedings before them from time to time in their discretion. Whenever they meet, except by appointment of the court, or judge of any court of record, or by previous adjournment, they shall cause reasonable notice of such
Notice of meeting.	meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties. They shall view the premises described in the petition, and hear the proof and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in such case and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes
Estimate of damages.	prescribed; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company on account of any dam-

¹ As amended by Act 8 of the Laws of 1864, p. 18, approved and took effect February 4, 1864.

age, or on account of the construction, repairing, or operating of said railroad, or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to said court, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to Report. said court or judge, signed by them, or a majority of them, of the proceedings before them, if any. Said commissioners shall be Compensation. entitled to three dollars a day for each day they are engaged in the performance of their duties, to be paid by the company; and in case a jury shall have been demanded and ordered by the court or judge, pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damage and compensation to be paid by the company therefor, in the same manner, and with like effect, as is provided in this section in the case of commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that Oath of jurors. they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said company to the owners of, or persons interested in, each particular description of real estate mentioned in said petition, who have demanded said jury; and Compensation. they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the company. That full power and authority is hereby vested in the court of pro- Probate court. bate for each of the respective counties in this State, to perform, fulfill, and discharge the duties which, by the act to which this is amendatory, might have been performed by the circuit court for such county, or the judge thereof; and whenever any duty is to be performed by the clerk of such court, the same may be performed by such court of probate.¹

(2318.) SEC. 22. On such report being made by the commission- Court on motion to confirm report. ers or jury, the court, on motion of the company, shall confirm the same at the next term, or if said report is made and filed during term time, then the same shall be confirmed during said term,

¹ Vide note to section 19 of this act.

No person to be a director unless a stockholder.	he shall be a stockholder, owning stock absolutely and in his own name and right, and qualified to vote for director at the election at
Term of office.	which he shall be chosen ; and such directors shall hold their office for one year and until others are elected in their places.
First election of directors.	(2301.) SEC. 5. The commissioners named in the last preceding section shall be inspectors of the first election of directors ; shall
Certificate of, to be filed with Secretary of State.	openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof, subscribed by them, or a majority of them, in the office of the Secretary of State, and shall also deliver to the treasurer of said company all moneys received by such commissioners on subscription to such capital stock, and all books and papers in their possession relative to such subscrip-
Subsequent elections.	tion. All subsequent elections shall be held at such time and place, in one of the counties through which such railroad shall pass, as shall be directed by the by-laws of the company.
Annual election of directors.	(2302.) SEC. 6. It shall be the duty of the directors to provide for by by-law, and to call every year, and in case of their neglect so to do, a majority of the stockholders may call, an annual election of directors, and at such time and place as may be appointed, in some county in which the road is to or shall run, and at which time and place there shall be a general meeting of the stockholders,
Special meetings	in person or by proxy. And a special meeting of the stockholders may be called at any time by the directors or by the stockholders owning not less than one-fourth of the stock in value, by giving notice of such meeting as is hereinafter provided. At least thirty
Notice.	days' notice of the time and place of every general or special meeting of the stockholders shall be given in one or more daily newspapers printed in the city of Detroit, and also in one or more newspapers printed in the county where the principal office of the company is situated, if it be not in said city: <i>Provided</i> ,
Proviso.	That such notice, when given by the stockholders, shall state the object of such meeting. Evidence of such notice may be perpet-
Evidence of notice.	uated by the affidavit of any person having knowledge thereof; and at any meeting of the stockholders held pursuant to this
Removal.	section, a majority in value of the stockholders may remove from office any of the directors or other officer of the company, and elect others in their stead. And the president and directors and officers and agents of the company, in the exercise of their respective powers and duties, shall at all times be governed by and be subject to, such rules, regulations, and directions as the stock-
Majority in value of stock to govern.	holders holding a majority in value of the stock may adopt at any such meeting; and at every such meeting it shall be competent

of the report, such appeal, when made by any claimant of damages, shall not affect the said report as to the right and interests of any party except the party appealing, nor shall it affect any part of said report in any case, except the part appealed from, nor shall it affect the possession by such company of the land appraised; and when the same is made by others than the company it shall not be heard except on a stipulation of the party appealing not to disturb such possession.

Appeal not to affect any parties except the parties to the appeal

(2320.) SEC. 24. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate or property taken, the court may direct the money to be paid into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Conflicting claims to damages, how determined.

(2321.) SEC. 25. The court shall appoint a competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; also to appoint other commissioners in the place of any who shall die or refuse or neglect or are unable to serve, or who may leave or be absent from the State.

Court to appoint attorney to protect rights of unknown parties

Powers of court to amend proceedings, appoint new commissioners, etc.

(2322.) SEC. 26. At any time after an attempt to acquire title by any railroad company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against any company, or any officer or workmen of such company on account thereof, on such company paying into court a sufficient sum, or giving security as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate or other property may con-

If title defective, company may proceed anew, and in such case authorized to continue in possession.

To direct to whom money shall be paid, or where deposited.

Copy of order to be recorded.

When property to vest in corporation.

To be deemed taken for public use.

When parties may appeal to Supreme Court.

Costs of appeal in case damages are increased.

Costs when damages are diminished.

unless for good cause shown by either party; and when said report is confirmed, said court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate or property appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid, [or] where it shall be deposited by the company. Said court, as to the confirmation of such report, shall have all the powers usual in other cases.

(2319.) SEC. 23. A certified copy of the order so to be made shall be recorded at full length in the office of the register of deeds for said county, in the book of deeds; and thereupon, on the payment or deposit by the said company of the sum to be paid as compensation for such land, franchise, or other property, and for costs, expenses, and counsel fees as aforesaid, and as directed by said order, the company shall be entitled to enter upon and take possession of and use the said land, franchise, and other property for the purposes of its incorporation; and all persons who have been made parties to the proceedings, either by publication or otherwise, shall be divested and barred of all right, estate, and interest in such real estate, franchise, or other property, until such right or title shall be again legally vested in such owner; and all real estate or property whatsoever, acquired by any company under and in pursuance of this act, for the purpose of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners or jury, as above provided for, either party may appeal, by notice in writing to the other, to the supreme court, from the appraisal or report of the commissioners or jury. Such appeal shall be heard by the supreme court at any general or special term thereof, on such notice thereof being given according to the rules and practice of the court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners or jury, in its discretion. The second report shall be final and conclusive upon all parties interested. If the amount of the compensation to be allowed by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited as the court shall direct; and in such case all costs of the appeal shall be paid by the company; but if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid, and judgments therefor, and for all costs of the appeal, shall be rendered against the party so appealing. On the filing

of the report, such appeal, when made by any claimant of damages, shall not affect the said report as to the right and interests of any party except the party appealing, nor shall it affect any part of said report in any case, except the part appealed from, nor shall it affect the possession by such company of the land appraised; and when the same is made by others than the company it shall not be heard except on a stipulation of the party appealing not to disturb such possession.

Appeal not to affect any parties except the parties to the appeal

(2320.) SEC. 24. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate or property taken, the court may direct the money to be paid into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Conflicting claims to damages, how determined.

(2321.) SEC. 25. The court shall appoint a competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; also to appoint other commissioners in the place of any who shall die or refuse or neglect or are unable to serve, or who may leave or be absent from the State.

Court to appoint attorney to protect rights of unknown parties

Powers of court to amend proceedings, appoint new commissioners, etc.

(2322.) SEC. 26. At any time after an attempt to acquire title by any railroad company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against any company, or any officer or workmen of such company on account thereof, on such company paying into court a sufficient sum, or giving security as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate or other property may con-

If title defective, company may proceed anew, and in such case authorized to continue in possession.

duct the proceedings to a conclusion if the company delays or omits to prosecute the same.

Corporation
may borrow
money, issue
bonds, mortgage
property, etc.

(2323.) SEC. 27. All companies organized under this act, and all other railroad companies, shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their railroad, or any part thereof, and to issue and dispose of their bonds or obligations for any amount so borrowed, for such sums and such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises, or any part thereof, to secure the payment of any debt contracted or to defray any expenditure by the company, for the purpose aforesaid; and the directors of the company may confer on any holder of any such bond or obligation, the right to convert the principal due and owing thereon into the stock of said company, at any time not exceeding twenty years from the date of said bond, under such regulations as the company may see fit to adopt. And said company may sell their bonds or obligations either within or without this State, at such rates and prices as they may deem proper. And in case the capital stock of any such company is found to be insufficient for constructing or operating its road, or for building a double track, repairs, or other improvement to facilitate the transportation of persons and property, such company may, with the concurrence of a majority in value of its stockholders, by vote, at any annual meeting or special meeting called for that purpose, increase its capital to the requisite amount.¹

Bonds convertible.

When capital
stock may be
increased.

Highway may
be carried over
or under track.

When line of
highway may be
changed.

(2324.) SEC. 28. Whenever the track of any railroad crosses or shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said directors, unless the land so taken shall be purchased or voluntarily given for the purposes aforesaid. The necessity thereof and the compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands; the same, when so taken, or compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of the same highway may be held for highway purposes.

¹ As amended by Act 178 of the Laws of 1861, p. 277, approved March 15, 1861.

(2325.) SEC. 29. If, at any time after the location and use of the track of any railroad company organized under the provisions of this act, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for said directors from time to time to alter the lines, and cause a new map to be filed in the office where the map showing the first creation of such company is or shall be filed, and in the register's office of any county through which, by means of such change, said road shall pass, or into which it shall run; and when a new line is adopted, to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding sections of this act, and use the same in place of the line for which the new is substituted. Nothing in this act contained shall authorize the said company to make a location of their track within any city without the consent of the common council of said city, nor in any incorporated village without the consent of the corporate authorities thereof.

When and how
line of railroad
may be changed.

Railroad not to
be located in any
city without con-
sent of corporate
authorities.

(2326.) SEC. 30. If any such corporation shall, for its purpose aforesaid, require any land belonging to the people of this State, or to any of the counties or towns, the Commissioner of the Land Office, and the county and town officers, respectively, having charge of said lands, may grant such lands to such corporation for a compensation which shall be agreed upon between them; or in case they cannot so agree, then such lands shall be appraised as in other cases; all notices in cases where the State is owner, to be served upon the Commissioner of the Land Office; when the county is the owner, upon the prosecuting attorney of such county; and when the township is the owner, upon the supervisor of such township.

Lands owned by
State, counties,
or townships,
how acquired.

(2327.) SEC. 31. Every conductor, baggage-master, engineer, brakeman, or other servant of such railroad corporation, organized under the provisions of this act, or otherwise created, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor, or collector, without such badge, shall demand or be entitled to receive from any passenger any fare, toll, or ticket, or to exercise any of the powers of his office; and no other of said

Conductors, etc.,
to wear badges.

Shall have no
authority with-
out such badge.

Use of intoxicating drinks by employees prohibited.

Proviso.

Annual report; to be filed with Auditor General.

Contents.

officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage, or property. No person shall be employed as an engineer, fireman, baggage-master, conductor, or other servant, upon any railroad, who uses intoxicating drinks as a beverage; and any company in whose service any such person shall be employed, shall be liable to a penalty of twenty-five dollars for every such offense, to be sued for in the name of the people of this State: *Provided*, That no such company shall be liable to said penalty, unless it shall appear that the superintendent or other officers having charge or supervision over such employe, or whose duty it is to report the misconduct of such employe so using intoxicating liquor, had knowledge of the fact that such employe used, or had used, while in the employ of such railroad company, such liquor.

(2328.) SEC. 32. Every railroad corporation in this State shall make an annual report to the Auditor General, which report shall be verified by the oath of the treasurer and president, or acting superintendent, of the operations of the year ending on the last day of December, in the year one thousand eight hundred and sixty-nine, and annually thereafter, of the operations of the year ending on the first day of September, which report shall be filed with the Auditor General within thirty days after the expiration of the year, as aforesaid, and shall state —

- First.* The capital stock, and the amount actually paid in;
- Second.* The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars, respectively;
- Third.* The amount and nature of indebtedness, and the amounts due the corporation;
- Fourth.* The amount received for the transportation of passengers, of property, of mails, and from other sources, respectively;
- Fifth.* The amount of freight, specifying the quantity, in tons, of the products of the forest, of animals, of vegetable food, and other agricultural products, manufactures, merchandise, and other articles;
- Sixth.* The amount paid for repairs, engines, cars, buildings, and salaries, respectively;
- Seventh.* The number and amount of dividends, and when paid;
- Eighth.* The number of engine-houses and shops, of engines and cars, and their character;
- Ninth.* The number of miles run by passenger, freight, and other trains, respectively;

Tenth. The number of men employed, and their occupation ; Ibid.

Eleventh. The number of persons injured in life or limb, and the cause of such injury ;

Twelfth. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation ;

Thirteenth. Whether the said corporation has received any land grant, and in case it has, the number of acres of land reserved for it, the number of acres confirmed to it, the number of acres sold, the rate per acre, the aggregate received from such sale, and how paid ; the number of acres contracted to be sold, and not deeded, and the rate per acre contracted to be paid ; the amount received upon the contracts, and if contracted to be sold to a stockholder in said corporation, or any member, officer, agent, or attorney thereof, the name of such person, the number of acres contracted to be sold to him, the rate per acre, and the amount paid upon the contract ;

Fourteenth. The amount of municipal aid, if any, received by said corporation, the terms and conditions upon which the same was received, the name of and amount received from each municipality, whether the same was in money or bonds, and if in bonds, at what rate and for how much the same have been sold, the commission, if any, paid by such corporation for the sale of said bonds, and to whom paid ;

Fifteenth. Such further report as the Auditor General shall from time to time require.¹

(2329.) SEC. 33. Any such corporation, which shall neglect to make such report, or which shall willfully make a false report, shall be liable to a penalty of one thousand dollars ; and it shall be the duty of the Auditor General, and he is hereby required, in case any such corporation incurs the penalty aforesaid, to forthwith issue his warrant for the collection of the same in the same manner, and to levy and collect the same in all respects, as is now provided by law for the collection of taxes against such corporation. It shall be the duty of the Auditor General to annually arrange the information contained in such report, in a tabular form, and prepare the same, together with the said reports, in a single document, for printing ; and the same shall be printed and published annually, at the time of printing and publishing of the Auditor General's annual report.¹

Penalty for neglect to make report, how collected.

Auditor General to arrange and print reports.

¹ As amended by Act 142 of the Laws of 1860, p. 259, approved April 8, 1860.

How drawn.	make an order for the drawing of such jury from the petit-jury box of the county, and the said court or judge shall cause to be drawn twelve names from such box accordingly, and shall issue a <i>venire</i> , in the usual form, inserting therein the twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor by the court or judge, which said <i>venire</i> may be served by the sheriff, or other proper officer of the county, as in other cases; and if, at the same time and place appointed by said court or judge for said jury to meet, any of the persons so summoned do not attend, it shall be competent for said court or judge to order the sheriff of said county to summon immediately as many competent persons as may be necessary, with the persons in attendance as
Duty of jury.	jurors, to furnish a panel of twelve jurors; and said jury, when so summoned, shall ascertain and determine the necessity for taking lands, franchises, or other property, and to appraise and determine the damages or compensation to be allowed therefor to the owners or persons interested in each particular description of real estate mentioned in said petition, who have demanded such jury; and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived. ¹
Proceedings by commissioners.	(2317.) SEC. 21. The commissioners shall take and subscribe the oath prescribed by article eighteen of the Constitution; any of them may issue subpoenas, administer oaths to witnesses, and the majority of them may adjourn the proceedings before them from time to time in their discretion. Whenever they meet, except by appointment of the court, or judge of any court of record, or by previous adjournment, they shall cause reasonable notice of such
Notice of meeting.	meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties. They shall view the premises described in the petition, and hear the proof and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in such case and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes
Estimate of damages.	prescribed; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company on account of any dam-

¹As amended by Act 8 of the Laws of 1864, p. 18, approved and took effect February 4, 1864.

age, or on account of the construction, repairing, or operating of said railroad, or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to said court, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to Report. said court or judge, signed by them, or a majority of them, of the proceedings before them, if any. Said commissioners shall be Compensation. entitled to three dollars a day for each day they are engaged in the performance of their duties, to be paid by the company; and in case a jury shall have been demanded and ordered by the court or judge, pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damage and compensation to be paid by the company therefor, in the same manner, and with like effect, as is provided in this section in the case of commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that Oath of jurors. they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said company to the owners of, or persons interested in, each particular description of real estate mentioned in said petition, who have demanded said jury; and Compensation. they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the company. That full power and authority is hereby vested in the court of pro- Probate court. bate for each of the respective counties in this State, to perform, fulfill, and discharge the duties which, by the act to which this is amendatory, might have been performed by the circuit court for such county, or the judge thereof; and whenever any duty is to be performed by the clerk of such court, the same may be performed by such court of probate.¹

(2318.) SEC. 22. On such report being made by the commission- Court on motion to confirm report. ers or jury, the court, on motion of the company, shall confirm the same at the next term, or if said report is made and filed during term time, then the same shall be confirmed during said term,

¹ Vide note to section 19 of this act.

To direct to whom money shall be paid, or where deposited.

Copy of order to be recorded.

When property to vest in corporation.

To be deemed taken for public use.

When parties may appeal to Supreme Court.

Costs of appeal in case damages are increased.

Costs when damages are diminished.

unless for good cause shown by either party; and when said report is confirmed, said court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate or property appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid, [or] where it shall be deposited by the company. Said court, as to the confirmation of such report, shall have all the powers usual in other cases.

(2319.) SEC. 23. A certified copy of the order so to be made shall be recorded at full length in the office of the register of deeds for said county, in the book of deeds; and thereupon, on the payment or deposit by the said company of the sum to be paid as compensation for such land, franchise, or other property, and for costs, expenses, and counsel fees as aforesaid, and as directed by said order, the company shall be entitled to enter upon and take possession of and use the said land, franchise, and other property for the purposes of its incorporation; and all persons who have been made parties to the proceedings, either by publication or otherwise, shall be divested and barred of all right, estate, and interest in such real estate, franchise, or other property, until such right or title shall be again legally vested in such owner; and all real estate or property whatsoever, acquired by any company under and in pursuance of this act, for the purpose of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners or jury, as above provided for, either party may appeal, by notice in writing to the other, to the supreme court, from the appraisal or report of the commissioners or jury. Such appeal shall be heard by the supreme court at any general or special term thereof, on such notice thereof being given according to the rules and practice of the court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners or jury, in its discretion. The second report shall be final and conclusive upon all parties interested. If the amount of the compensation to be allowed by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited as the court shall direct; and in such case all costs of the appeal shall be paid by the company; but if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid, and judgments therefor, and for all costs of the appeal, shall be rendered against the party so appealing. On the filing

of the report, such appeal, when made by any claimant of damages, shall not affect the said report as to the right and interests of any party except the party appealing, nor shall it affect any part of said report in any case, except the part appealed from, nor shall it affect the possession by such company of the land appraised; and when the same is made by others than the company it shall not be heard except on a stipulation of the party appealing not to disturb such possession.

Appeal not to affect any parties except the parties to the appeal

(2320.) SEC. 24. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate or property taken, the court may direct the money to be paid into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Conflicting claims to damages, how determined.

(2321.) SEC. 25. The court shall appoint a competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; also to appoint other commissioners in the place of any who shall die or refuse or neglect or are unable to serve, or who may leave or be absent from the State.

Court to appoint attorney to protect rights of unknown parties

Powers of court to amend proceedings, appoint new commissioners, etc.

(2322.) SEC. 26. At any time after an attempt to acquire title by any railroad company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against any company, or any officer or workmen of such company on account thereof, on such company paying into court a sufficient sum, or giving security as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate or other property may con-

If title defective, company may proceed anew, and in such case authorized to continue in possession.

duct the proceedings to a conclusion if the company delays or omits to prosecute the same.

Corporation
may borrow
money, issue
bonds, mortgage
property, etc.

(2323.) SEC. 27. All companies organized under this act, and all other railroad companies, shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their railroad, or any part thereof, and to issue and dispose of their bonds or obligations for any amount so borrowed, for such sums and such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises, or any part thereof, to secure the payment of any debt contracted or to defray any expenditure by the company, for the purpose aforesaid; and the directors of the company may confer on any holder of any such bond or obligation, the right to convert the principal due and owing thereon into the stock of said company, at any time not exceeding twenty years from the date of said bond, under such regulations as the company may see fit to adopt. And said company may sell their bonds or obligations either within or without this State, at such rates and prices as they may deem proper. And in case the capital stock of any such company is found to be insufficient for constructing or operating its road, or for building a double track, repairs, or other improvement to facilitate the transportation of persons and property, such company may, with the concurrence of a majority in value of its stockholders, by vote, at any annual meeting or special meeting called for that purpose, increase its capital to the requisite amount.¹

Bonds convertible.

When capital
stock may be
increased.

Highway may
be carried over
or under track.

When line of
highway may be
changed.

(2324.) SEC. 28. Whenever the track of any railroad crosses or shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said directors, unless the land so taken shall be purchased or voluntarily given for the purposes aforesaid. The necessity thereof and the compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands; the same, when so taken, or compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of the same highway may be held for highway purposes.

¹ As amended by Act 173 of the Laws of 1901, p. 277, approved March 15, 1901.

(2325.) SEC. 29. If, at any time after the location and use of the track of any railroad company organized under the provisions of this act, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for said directors from time to time to alter the lines, and cause a new map to be filed in the office where the map showing the first creation of such company is or shall be filed, and in the register's office of any county through which, by means of such change, said road shall pass, or into which it shall run; and when a new line is adopted, to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding sections of this act, and use the same in place of the line for which the new is substituted. Nothing in this act contained shall authorize the said company to make a location of their track within any city without the consent of the common council of said city, nor in any incorporated village without the consent of the corporate authorities thereof.

When and how
line of railroad
may be changed.

Railroad not to
be located in any
city without con-
sent of corporate
authorities.

(2326.) SEC. 30. If any such corporation shall, for its purpose aforesaid, require any land belonging to the people of this State, or to any of the counties or towns, the Commissioner of the Land Office, and the county and town officers, respectively, having charge of said lands, may grant such lands to such corporation for a compensation which shall be agreed upon between them; or in case they cannot so agree, then such lands shall be appraised as in other cases; all notices in cases where the State is owner, to be served upon the Commissioner of the Land Office; when the county is the owner, upon the prosecuting attorney of such county; and when the township is the owner, upon the supervisor of such township.

Lands owned by
State, counties,
or townships,
how acquired.

(2327.) SEC. 31. Every conductor, baggage-master, engineer, brakeman, or other servant of such railroad corporation, organized under the provisions of this act, or otherwise created, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor, or collector, without such badge, shall demand or be entitled to receive from any passenger any fare, toll, or ticket, or to exercise any of the powers of his office; and no other of said

Conductors, etc.,
to wear badges.

Shall have no
authority with-
out such badge.

Use of intoxicating drinks by employees prohibited.

Provided.

Annual report; to be filed with Auditor General.

Contents.

officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage, or property. No person shall be employed as an engineer, fireman, baggage-master, conductor, or other servant, upon any railroad, who uses intoxicating drinks as a beverage; and any company in whose service any such person shall be employed, shall be liable to a penalty of twenty-five dollars for every such offense, to be sued for in the name of the people of this State: *Provided*, That no such company shall be liable to said penalty, unless it shall appear that the superintendent or other officers having charge or supervision over such employe, or whose duty it is to report the misconduct of such employe so using intoxicating liquor, had knowledge of the fact that such employe used, or had used, while in the employ of such railroad company, such liquor.

(2328.) SEC. 32. Every railroad corporation in this State shall make an annual report to the Auditor General, which report shall be verified by the oath of the treasurer and president, or acting superintendent, of the operations of the year ending on the last day of December, in the year one thousand eight hundred and sixty-nine, and annually thereafter, of the operations of the year ending on the first day of September, which report shall be filed with the Auditor General within thirty days after the expiration of the year, as aforesaid, and shall state —

- First.* The capital stock, and the amount actually paid in;
- Second.* The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars, respectively;
- Third.* The amount and nature of indebtedness, and the amounts due the corporation;
- Fourth.* The amount received for the transportation of passengers, of property, of mails, and from other sources, respectively;
- Fifth.* The amount of freight, specifying the quantity, in tons, of the products of the forest, of animals, of vegetable food, and other agricultural products, manufactures, merchandise, and other articles;
- Sixth.* The amount paid for repairs, engines, cars, buildings, and salaries, respectively;
- Seventh.* The number and amount of dividends, and when paid;
- Eighth.* The number of engine-houses and shops, of engines and cars, and their character;
- Ninth.* The number of miles run by passenger, freight, and other trains, respectively;

Tenth. The number of men employed, and their occupation ; Ibid.

Eleventh. The number of persons injured in life or limb, and the cause of such injury ;

Twelfth. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation ;

Thirteenth. Whether the said corporation has received any land grant, and in case it has, the number of acres of land reserved for it, the number of acres confirmed to it, the number of acres sold, the rate per acre, the aggregate received from such sale, and how paid ; the number of acres contracted to be sold, and not deeded, and the rate per acre contracted to be paid ; the amount received upon the contracts, and if contracted to be sold to a stockholder in said corporation, or any member, officer, agent, or attorney thereof, the name of such person, the number of acres contracted to be sold to him, the rate per acre, and the amount paid upon the contract ;

Fourteenth. The amount of municipal aid, if any, received by said corporation, the terms and conditions upon which the same was received, the name of and amount received from each municipality, whether the same was in money or bonds, and if in bonds, at what rate and for how much the same have been sold, the commission, if any, paid by such corporation for the sale of said bonds, and to whom paid ;

Fifteenth. Such further report as the Auditor General shall from time to time require.¹

(2329.) SEC. 33. Any such corporation, which shall neglect to make such report, or which shall willfully make a false report, shall be liable to a penalty of one thousand dollars ; and it shall be the duty of the Auditor General, and he is hereby required, in case any such corporation incurs the penalty aforesaid, to forthwith issue his warrant for the collection of the same in the same manner, and to levy and collect the same in all respects, as is now provided by law for the collection of taxes against such corporation. It shall be the duty of the Auditor General to annually arrange the information contained in such report, in a tabular form, and prepare the same, together with the said reports, in a single document, for printing ; and the same shall be printed and published annually, at the time of printing and publishing of the Auditor General's annual report.¹

Penalty for neglect to make report, how collected.

Auditor General to arrange and print reports.

¹ As amended by Act 142 of the Laws of 1890, p. 259, approved April 8, 1890.

Lien of State upon railroads, etc., for penalties taxes, etc.

(2330.) SEC. 34. This State shall have a lien upon all railroads therein, and their appurtenances and stock therein, for all penalties, taxes, and dues which may accrue to the State from the corporations owning the same, which lien of the State shall take precedence of all demands, judgments, or decrees against said corporations; and each citizen of this State shall have a lien upon all the personal property of said corporations, for all penalties, dues, and demands against any such corporation, to the amount of one hundred dollars, originally contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments, or decrees, liens, or mortgages against said corporation.

Lien of citizens.

Legislature may reduce rates of fare, etc., in certain cases.

(2331.) SEC. 35. The Legislature may, when any railroad organized under this act is opened for use, from time to time alter or reduce the rates of toll, fare, freight, or other profits upon such road; but the same shall not, without the consent of the corporation, be so reduced as to produce less than fifteen per cent per annum on the capital actually paid in; nor, unless on an examination of the amounts received and expended, to be made by the Auditor General, he shall ascertain that the net income divided by the company from all sources for the year then last past, shall have exceeded an annual income of fifteen per cent upon the capital of the corporation actually paid in.

Corporation required to carry mails, etc.

(2332.) SEC. 36. Any corporation organized under this law shall, when applied to by the Postmaster General, convey the mails of the United States on their road or roads respectively; and in case such corporation shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner, and condition of carrying the same, it shall be lawful for the Governor of this State to appoint three commissioners, who, or a majority of them, after fifteen days' notice, in writing, of the time and place of meeting, to the corporation, shall determine and fix the prices, times, and conditions aforesaid; but such prices shall not be less for conveying said mails in the regular passenger trains than the amount which said corporation would receive as freight on a like weight of merchandise, transported on their merchandise train, and a fair compensation for the postoffice car. And in case the Postmaster General shall require the mail to be carried at other hours and at a higher speed than the passenger trains be run at, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed as aforesaid.

When commissioners to be appointed to fix compensation therefor.

(2333.) SEC. 37. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the conductor of the train and servants of the corporation to put him out of the cars at any usual stopping place or dwelling-house the conductor shall select.

Passengers refusing to pay may be put out of cars.

(2334.) SEC. 38. Every corporation in the last section mentioned shall start and run their cars for the transportation of passengers and property at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at siding and stopping places established for discharging and receiving way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of toll, freight, or fare, legally authorized therefor; and every such corporation shall transport merchandise, property, and persons from the various stations upon said road, without partiality or favor, when not otherwise directed by the owner of said property, and with all practicable dispatch and in the order in which said freight and property shall have been received, under a penalty, for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved in an action of debt against such corporation.

Cars, etc., to be run at regular times, to be fixed by notice.

Corporation to furnish accommodations for passengers and property.

To transport persons and property without partiality.

Penalty for violation of this provision.

(2335.) SEC. 39. In case of the refusal by such corporation or agents so to take and transport any such passengers or property as aforesaid, or to deliver the same, or either of them, at the regular or appointed time, without a legal or just excuse for such default, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit, or the penalty prescribed in section thirty-eight of this act, at the election of the party aggrieved.

Corporation liable for damages for refusal to transport passengers or property, etc.

(2336.) SEC. 40. A bell of at least thirty pounds weight, and a steam whistle, shall be placed on each locomotive engine, and said bell shall be rung or whistle sounded at the distance of not less than eighty rods of the place where the said road shall cross any other road or street, under a penalty of fifty dollars for every neglect, to be paid by the corporation owning such railroad; and the railroad corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

Bell and whistle to be placed on locomotive.

When to be sounded.
§ Kernan, 78.

Penalty for neglect.
13 Illinois, 548.
2 Cushing, 548.

(2337.) SEC. 41. Every railroad corporation shall, and they are hereby authorized to cause boards to be placed, well supported by posts or otherwise, and maintained across each public road or

Caution boards to be erected at road crossings.

street, where the same is crossed by the railroad, and on the same level. The boards shall be elevated so as not to obstruct the travel and to be easily seen by travelers, and on each side of said board shall be printed in capital letters, of the size of not less than nine inches each, the words, "Railroad crossing; look out for the cars;" but this section shall not apply to streets in cities or villages, unless the railroad corporation be required to put up such boards by the officers having charge of such streets.

Liability of person having charge of engine, for being intoxicated.

(2338.) SEC. 42. If any person shall be intoxicated while in charge of a locomotive engine, running upon the railroad of any corporation in this State, or while acting as the conductor of any train of cars on any such railroad, he shall be liable for all damages incurred or produced by either his neglect or inefficiency, and shall be deemed guilty of a misdemeanor.

Proction of fences; height, openings, etc.

(2339.) SEC. 43. Every railroad company formed under this act, and every person or corporation owning or occupying any railroad within this State, under any of the laws thereof, shall erect and maintain fences on the sides of their respective roads, of the height and strength of a division fence required by law, with suitable openings and gates therein, convenient for farm crossings of the road, for the use of the proprietors of lands adjoining such railroad; and also construct and maintain cattle-guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on to the railroad. Until such fences and cattle-guards shall be duly made, the corporation or person, and its or his agents, shall be liable for all damages which shall be done by their agents or engines, or cars, to cattle, horses, or other animals thereon, and all other damages which may result from the neglect of said corporation or person to erect and maintain fences and farm crossings as aforesaid; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages, unless negligently or willfully done; and if any person shall ride, lead, or drive any horse or animal upon such road, and within such fences and guards, other than at farm crossings, without the consent of the corporation, he shall, for every such offense, forfeit a sum not exceeding ten dollars, and shall also pay all damages that shall be sustained thereby, to the party aggrieved.¹

Cattle-guards.

Liability for damages.
7 Mich., 410.
5 Ind., 111.

Prohibiting entries upon road, except at farm crossings.
18 Barb., 594.
8 Kernan 42.
8 Foster (N. H.), 161.

Passengers injured while violating regulations, not to recover damages

(2340.) SEC. 44. In case any passenger on any railroad shall be injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations of the com-

¹ As amended by Act 88 of the Laws of 1866, p. 49, approved March 18, 1866.

pany posted up at the time in a conspicuous place inside its passenger cars then in the train, such company shall not be liable for the injury: *Provided*, Said company at the time furnished room and seats inside its passenger cars sufficient for the proper accommodation of its passengers. Proviso.

✓ (2341.) SEC. 45. Every corporation formed under the provisions of this act shall, on or before the first day of July, in the year one thousand eight hundred and sixty-nine, and annually thereafter on or before the first day of October of each year, pay to the State Treasurer, on the statement of the Auditor General, an annual tax of one per cent on the capital stock of said company paid in, and also upon all sums of money, whether arising from the net proceeds of said road, from municipal aid, from the sale of lands, or from other sources, as shall from time to time be invested in the original construction and stocking, or in any new construction or stocking of said road, which tax shall be in lieu of all other taxes upon the property of said company, whether real, personal, or mixed, except penalties by law imposed; and such tax shall be estimated upon the last annual report of said corporation filed in the office of the Auditor General, as required by section thirty-two of this act; but nothing contained in this section shall apply to any corporation existing at the time of the approval of the act of which this is amendatory, nor to alter, reduce, or in any way affect the tax of any corporation not formed under the provisions of said act: *Provided*, That no corporation formed under the provisions of the act to which this is amendatory shall be liable to pay any tax on any money expended on any portion of its road, which has not been opened for use. Annual tax of one per cent on paid-in capital.
Also, upon all sums invested in construction or stocking, authorized.
How tax estimated.
Not applicable to certain corporations.
Proviso.

(2342.) SEC. 46. All penalties incurred under the provisions of this act, when not otherwise provided for, may be sued for in the name of the people of the State of Michigan; and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace. Penalties incurred under this act, how recovered.

(2343.) SEC. 47. If any railroad corporation shall not, within three years after its incorporation, begin the construction of its road, and expend thereon ten per cent on the amount of its capital, and finish the road and put it in full operation in seven years thereafter, its act of incorporation shall become void, so far as it applies to that portion of said road then unfinished. When incorporation to become void.

(2344.) SEC. 48. Any railroad company receiving freight for transportation, shall be entitled to the same rights and subject Company to have the rights and liabilities of common carriers 16 Mich. 79

to the same liabilities as common carriers, except as herein otherwise provided. Whenever two or more railroads are connected together by running arrangements, any company owning either of said roads receiving freight to be transported by agreement to any place on the line of either of the said roads so connected, shall be liable as common carriers for the delivery of such freight at such place. In case any such company shall become liable to pay any sum by reason of the neglect or misconduct of any other company or companies, the company paying such sum may collect the same of the company or companies by reason of whose neglect or misconduct it became so liable. No railroad corporation created in this State shall be suffered to lessen, or directly or indirectly abridge, their common-law liability as such common carriers.

Not to abridge their common-law liability, etc.

May take stock in other companies.
16 Mich. 79.

May make arrangements with other companies for running cars.

Meeting of stockholders to be first called, etc.

When railroad companies may consolidate.

Provided.

(2345.) SEC. 49. Any railroad company in this State may, by means of subscription to the capital of any other company or otherwise, aid such company in the construction of its railroad, with the assent of such other company; or any railroad company, in order to facilitate the transaction of business, and prevent the expense to the public of delays, stoppages, and unnecessary transshipment of merchandise and passengers, may make any arrangements with other railroad companies within or without this State, for the running of its cars over the road of such other company, or for the working and operating of such other railroads as said companies shall mutually agree upon; such agreement, however, to be filed in the office of the Secretary of State, and be open to the inspection of the public. And any two or more railroad companies whose lines are connected, may enter into any arrangements for their common benefit, consistent with and calculated to promote the objects for which they were created: *Provided*, That no such aid shall be furnished, nor arrangement perfected, until a meeting of stockholders of each of said companies shall have been called by the directors thereof, at such time and place, and in such manner, as they shall designate, and the holders of a majority in interest of the stock of such company represented at such meeting, in person or by proxy, and voting thereat, shall have assented thereto.

(2346.) SEC. 50. Any railroad company in this State, forming a continuous or connected line with any other railroad company, may consolidate with such other company, either in or out of this State, into a single corporation: *Provided*, That no such companies owning parallel or competing lines shall be permitted to consolidate themselves into one corporation. The directors of said two or

more corporations may enter into an agreement, under the corporate seal of each, for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the number of the directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than seven nor more than thirteen; the time and place of holding the first election of directors after such consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said two or more corporations as hereinafter provided; the number of shares of capital stock in the new corporation; the amount of each share; the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations. And such new corporation shall possess all the powers, rights, and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization, not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations until after it has been submitted to the stockholders of each of said corporations, separately, at a meeting thereof, to be called upon a notice by publication at least once in each week for four successive weeks in one of the daily papers published in the city of Detroit, and some newspaper published in each county in this State through which said roads run, in which newspaper shall be published, the first publication to be at least sixty days before the time specified for said meeting, and signed by the secretaries of each of the said companies proposing to consolidate, stating the purpose and object of said meeting, and has been sanctioned by such stockholders by the vote of a majority in interest of the stockholders, in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders, separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. A copy of said contract or consolidation agreement, filed in pursuance of this act with the Secretary of State, and

Directors may enter into agreement.

What the agreement shall contain.

Number of directors.
Time and place of holding election.

Capital stock, shares of, and amount of each.

New corporation, powers, rights, and franchises of.

When agreement of directors deemed agreement of corporation.

Notice of meeting.

Contents of notice.

Copy of agreement may be used as evidence.

certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said two or more companies, and of all the facts therein stated.¹

When agreement is completed, filed, etc., the two corporations to be merged in one.

(2347.) SEC. 51. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the Secretary of State, the said two or more corporations mentioned or referred to in the said section shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

Rights and interests of such new corporation.

(2348.) SEC. 52. Upon the election of the first board of directors of the corporation created by said agreement, all and singular the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with all the right of way, and all other rights of property, in the same manner and to the same intent as if the said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporations; and the titles and the real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said corporations, parties to said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist, so far as may be necessary to enforce the same: *And provided further*, That all the debts, liabilities, and duties of either company shall thenceforth attach to such new corporation, and be enforced against the same, to the same extent and in the same manner as if such debts, liabilities, and duties had been originally incurred by it.

Rights of creditors.

Debts, liabilities, etc., of corporation.

Two companies may agree on construction of road on line common to both.

(2349.) SEC. 53. Whenever two railroad companies shall, for a portion of their respective lines, embrace the same location of line, they may, by agreement, provide for the construction of so much of said line as is common to both of them, by one of the companies, and for the manner and terms upon which the business thereon shall be performed. Upon the making of such agreement,

¹ As amended by Act 1 of the Laws of 1871, p. 1, approved and took effect January 13, 1871.

the company that is not to construct the part of the line which is common to both, may alter and amend its articles of association so as to terminate at the point of intersection, and may reduce its capital to a sum not less than ten thousand dollars for each mile of the road proposed to be constructed in such amended articles of association. Nothing in this act shall be construed to release any chartered company from building any line of road which by its charter it is obligated to build, or to transfer to any other company, by virtue of this section, or any agreement made in pursuance thereof, such obligation.

(2350.) SEC. 54. Whenever the death of a person shall be caused by wrongful act, neglect, or default of any railroad company or its agents, and the act, neglect, or default is such as would (if death had not ensued) entitle the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the railroad corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

When death caused by wrongful act, neglect, or default, company to be liable for damages.
16 Mich. 180, 195

8 Barb. 831.
18 Barb. 9.
21 Barb. 245, 508
16 Illino. 553.
3 Cushing, 539.

(2351.) SEC. 55. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in any such action the jury may give such amount of damages as they shall deem a fair and just compensation, not exceeding five thousand dollars, with reference to the pecuniary injuries resulting from such death to the wife and next of kin of such deceased person: *Provided*, That any such action shall be commenced within two years of the death of such person; but nothing herein contained shall affect any suit or proceedings heretofore commenced and now pending in any of the courts of this State.

Action to be brought in name of personal representative.

Limitation of action.

(2352.) SEC. 56. If any president, secretary, or other officer of any railroad corporation within this State shall willfully, and with intent to defraud said corporation or any other person, make, sign, issue, sell, or offer to sell any false or fraudulent stock or other evidence of debt of said corporation, he shall be deemed guilty of felony, and shall be punished by imprisonment in the State Prison at hard labor not less than three years.

Punishment of officers for issuing fraudulent stock, etc.

Punishment of
employees for
violating rules.

(2353.) SEC. 57. Any conductor, engineer, servant, or other employe of any railroad corporation, who shall willfully violate any of the written or printed rules thereof, in relation to the running of cars or train for the transportation of persons or property, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the county jail not more than six months.

Punishment of
persons ob-
structing track,
etc.

(2354.) SEC. 58. If any person shall, by the placing of any impediment upon the track of any railroad, or by any other means whatsoever, throw from said track any engine or cars used thereon, or attempt so to do, whether such engine or cars be thrown from said track or not, or shall, by any other means whatsoever, willfully endanger or attempt to endanger the lives of persons engaged in the work of said road, or persons traveling on the engine or cars of said road, he shall be subject to imprisonment in the State Prison during his natural life, or any number of years, at the discretion of the court.

Check to be af-
fixed to baggage.

(2355.) SEC. 59. A check shall be fixed to every parcel of baggage when taken for transportation by the agent or servant of such corporation, if there is a handle, loop, or fixture so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger; and if such passenger shall have paid his fare, the same shall be refunded by the conductor in charge of the train; and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of such baggage.

Unclaimed
freight, baggage,
etc., how dis-
posed of.

(2356.) SEC. 60. Every railroad company which shall have had unclaimed freight not perishable, or unclaimed baggage in its possession, for a period of one year at least, may proceed to sell the same at public auction, and out of the proceeds may retain the charges of transportation and storage of such freight, and the expenses of advertising and sale thereof; but no such sale shall be made until the expiration of six weeks from the first publication of notice of such sale in at least one newspaper published in the city of Detroit, and also in one newspaper published at or nearest the place where such freight or baggage was directed to be left, and also at the place where such sale is to take place. And said notice

shall contain a description of such freight or baggage, the place at which, and the time when the same was left, as near as may be, together with the name of the owner or person to whom consigned, if known; and the expenses incurred for advertising shall be a lien upon such freight in a ratable proportion, according to the value of each article, package, or parcel, if more than one. In case such unclaimed freight shall be in its nature perishable, then the same may be sold as soon as may be, on giving the notice required in this section, after its receipt at the place where it was directed to be left. Such railroad company shall make an entry of the balance of the proceeds of the sale, if any, of each parcel of freight owned by or consigned to the same person, as near as can be ascertained, and at any time within five years thereafter shall refund any surplus so retained to the owner of such freight or baggage, his or her heirs or assigns, on satisfactory proof of such ownership.

Notice to contain a description.

Company to make entry of the balance; how balance disposed of.

(2357.) SEC. 61. Every passenger, freight, or other train of cars running upon any railroad, shall come to a full stop before crossing any other railroad built or constructed upon the same grade; and every engineer, conductor, or other person having charge or control of such train of cars, who shall offend against the provisions of this section, shall forfeit for each offense the sum of one hundred dollars, to be recovered by action of debt. And any railroad company who shall, by their rules and regulations for running trains of cars upon such railroad, require any passenger, freight, or other train to cross any other railroad built or constructed upon the same grade, without coming to a full stop before such crossing, shall forfeit a like sum for every day such rule or regulation shall continue in force, to be recovered as aforesaid.

Cars to come to full stop before crossing other railroads.

(2358.) SEC. 62. In forming a passenger train upon any railroad organized under the provisions of this act, baggage, freight, merchandise, or lumber cars shall not be placed in rear of the passenger cars; and if they, or any of them, shall be so placed, the officer or agent who so directed or knowingly suffered such arrangement, shall be deemed guilty of a misdemeanor, and be punished accordingly.

Prohibition in forming passenger trains.

(2359.) SEC. 63. All acts the subjects of which are herein re-enacted, or which contravene or are inconsistent with the terms and intention of this act, are hereby repealed.

Acts repealed.

SEC. 64. This act shall take effect immediately.

(2360.) SEC. 65. Every railroad company organized under this act may enter into arrangements and make contracts for its benefit, and consistent with and calculated to promote the objects for which

Railroads authorized to make contracts.

- it was organized, with any other railroad company within or without this State, when the lines of such railroads are connected by water or otherwise: *Provided*, Such arrangements and contracts shall not release said company so organized under this act, or the directors or stockholders thereof, from any duties or liabilities imposed upon them by the laws of this State: *And provided further*,
- Proviso.** That nothing in this section contained shall be construed to authorize any railroad companies to bridge, dam, fill up, or divert the course of the St. Clair river, or any other navigable waters in this State, nor to consolidate the stock of any railroad companies.¹
- Further proviso.** (2361.) SEC. 66. Whenever any railroad company shall have filed its articles of association, as provided in the act to which this act is amendatory, and obtained sufficient subscription to its capital stock, including any municipal aid actually voted in its behalf by virtue of any law of this State, to construct a division of its line of not less than fifteen consecutive miles, at the rate of six thousand dollars per mile, such company shall be authorized to call a meeting of its stockholders, and elect directors of said company, in the manner prescribed in sections four and five of the act to which this act is amendatory, and said directors may proceed to designate a division of not less than fifteen consecutive miles of the line of said
- Authorized to build.** company for construction. And said company shall have full power and authority to construct, operate, and maintain a railroad upon the division of said company's line which may have been thus designated as aforesaid, and for that purpose shall have ample power to assess and enforce collection of its capital stock subscribed by persons residing along, or collateral to, or within two miles of either of the termini of such designated division of said company's line, in the manner prescribed by the act to which this act is amendatory, and to receive and avail itself of the benefit of any aid that may have been or may hereafter be voted in its behalf, by virtue of any law of this State by any municipality along, adjoining, or coterminous with such designated division of its line. But
- May collect subscriptions.** such company, for the purpose of constructing such designated division, shall not make collections from subscribers not residing along, collateral to, or within two miles of either of the termini of such designated portion of such company's line, nor to receive the aid voted or to be voted in its behalf by municipalities not situated along, adjoining, or coterminous with such designated division, except by express agreement. And said com-
- May not collect.**

¹ Added by Act 46 of the Laws of 1861, p. 88, approved and took effect February 14, 1861.

pany from time to time may continue the construction of its line by designating other divisions of not less than five consecutive miles each, and may construct, operate, and maintain a railroad upon such further designated division or divisions in the same manner, and with the same rights, privileges, and limitations hereinbefore specified: *Provided*, That in case of the construction by such company of a division of its line of road, as hereinbefore provided, it shall not, by reason of inability to construct any additional portion of its road, lose or forfeit any of its corporate rights, franchises, or privileges: *And provided further*, That all subscribers and aiding municipalities shall be liable according to the terms of their subscriptions or votes, whenever the construction of the entire line of road of said company shall have been entered upon by said company. ^{Continue to build.} ^{Proviso.} ^{Proviso.} ¹

(2362.) SEC. 67. It shall be competent for all railroad-tunnel companies organized under this act, to construct tunnels under the waters of this State, to extend the railroad track or tracks which they may lay through any tunnel which they may construct, so as to connect with any railroad whose business may pass through it, and for that purpose may acquire the right of way over, or under, or across any private property, in the same manner as herein provided for the acquiring the right of way for railroads, and may, with the authority of the common council of any city, acquire the right to cross and use such portion of any street as may be found necessary; and, to raise money, shall have the same authority as is herein conferred upon railroad companies to issue and sell bonds, and secure their payment by deeds of trust; and for all such purposes the said railroad-tunnel companies shall have the same rights as railroad companies organized under this act. ^{Privileges of tunnel companies} ²

(2363.) SEC. 68. Any such tunnel company shall have the right to negotiate with any railroad company which may connect with its tunnel, for the purpose of obtaining aid in the construction of its work, and such railroad company shall have full power and authority to grant such aid upon such terms as may be agreed upon by both parties; which aid may be given by subscription to capital stock, or by guarantying bonds, or by both, or by a lease and agreement to pay rent, or in any other form which shall be found most effectual to accomplish the purpose and enable the said companies to procure the requisite means. ^{Aid for same from railroad companies.} ³

¹ Added by Act 90 of the Laws of 1867, p. 107, approved March 22, 1867.

² Added by Act 197 of the Laws of 1871, p. 366, approved and took effect April 20, 1871.

Compensation
for use of tun-
nel.

(2364.) SEC. 69. The said companies shall have the right to charge such fair compensation for the use of its said road and tunnel by the railroad companies or horse-railroad companies whose business shall pass along and through it, as shall be found by experience requisite to enable them to pay, first, all the expense of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent upon their capital stock, and such additional sum as will furnish a sinking fund each year, not to exceed five per cent of the amount of its bonded debt, for the purpose of gradually extinguishing the same.¹

Privileges of
railroads in the
use of tunnels.

(2365.) SEC. 70. All railroad companies whose tracks may connect with such tunnels shall have the right to send their business through them upon such terms as shall be just and fair, and the charges for the passage of freight and passengers from all railroads shall be the same, and with no discrimination in favor of or against the business of any connecting road.¹

An Act to amend an act entitled "An act to provide for the incorporation of railroad companies."

[Approved February 12, 1855. Took effect May 16, 1855. Laws of 1855, p. 193.]

Proviso.

(2366.) SECTION 1. *The People of the State of Michigan enact,* That section fifty-nine of an act entitled "An act to provide for the incorporation of railroad companies," be amended by adding, at the end of said section, the following words: "*Provided*, That nothing in this act contained shall be in any manner whatsoever construed to revive or continue in force any charter of incorporation where forfeitures have been incurred, or to affect any suit or proceedings at law now pending relative to any alleged forfeiture of franchises on the part of any such railroad corporation of this State, nor in any manner to waive or release any such forfeiture of franchise alleged to have been incurred by any such railroad corporation prior to the passage of this act." So that said section, as amended, will read as follows, viz: "All acts, the subjects of which are herein re-enacted, or which contravene or are inconsistent with the views and intentions of this act, are hereby repealed: *Provided*, That nothing in this act contained shall, in any manner whatsoever, be construed to revive or continue in force any charter of incorporation where forfeitures have been incurred, or to affect any

This act not to
be construed
to revive corpo-
rations or affect
proceedings
pending.

¹ Added by Act 197 of the Laws of 1871, p. 366, approved and took effect April 20, 1871.

suit or proceeding at law now pending, relative to any alleged forfeiture of franchises on the part of any such railroad corporation of this State, nor in any manner to waive or release any such forfeiture of franchise alleged to have been incurred by any such railroad corporation prior to the passage of this act."¹

An Act supplementary to an act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

[Approved March 20, 1863. Laws of 1863, p. 233.]

(2367.) SECTION 1. *The People of the State of Michigan enact,* Companies may amend their articles of association.
That any railroad company formed according to the provisions of the act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, or acts amendatory thereof, may, by a vote, or by written consent of two-thirds of its stockholders, amend its original articles of association in any manner they may deem proper, as provided for in the second section of the act aforesaid. Such How executed.
amendments shall be attested, under the seal of the company, by the president and secretary, setting forth the fact of their adoption by a vote or by written consent of two-thirds of all the stockholders, and appending thereto their names, residence, and number of shares represented, respectively, which, when filed with the Secretary of State, shall have the same effect and to the same extent as original articles of association, and superseding, in point of difference, articles of association and amendments thereto of prior date. Where filed.

(2368.) SEC. 2. In cases of vacancies occurring, by resignation Vacancies of directors, how filled.
or otherwise, in the number of directors named in the articles of association, or the amendments thereto, a quorum of the board shall have power to fill such vacancies, by appointment of stockholders, who shall continue as directors until the next annual or special meeting of stockholders for the election of directors.

(2369.) SEC. 3. Whenever any railroad company shall have constructed any portion of the road named in its articles of association, the said company may mortgage such portion, together with the franchises and superstructure thereof, and with or without the rolling stock, furniture, and equipment belonging thereto, for the purpose of raising means to pay the indebtedness of such company and to construct any other portion of such road, without including in any such mortgage, or thereby affecting, any other portion of Company may mortgage its road.

¹ It will be perceived that original section sixty-three was the section designed to be amended by this act, instead of fifty-nine.

said road, or the franchises appertaining thereto, except as expressly professed to be covered by such mortgage.

SEC. 4.¹

SEC. 5.¹

An Act supplementary to an act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

[Approved March 27, 1867. Laws of 1867, p. 161.]

Formation of company.

(2370.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any number of persons, not less than ten, to form themselves into a company for constructing, maintaining, and operating a railway for public use, in the conveyance of persons and property by means of a propelling rope or cable attached to stationary power; and upon compliance with the provisions of chapter sixty-seven of the Compiled Laws, and of the acts amendatory thereof, they shall become a body corporate and politic: *Provided,* That the directors may be limited to any number not less than five, to be specified in the articles of association.

Stationary power.

At least five directors.

Style of company.

(2371.) SEC. 2. Any such company may style itself by the name of the inventor or patentee of the particular method of propulsion used, together with such local designation as the associates may deem desirable, and shall by such name, set forth in their articles of association, have and enjoy all the powers and privileges, and be subject to the liabilities, mentioned in the aforesaid provisions of the Compiled Laws.

Rights and privileges.

Fare five cents per mile.

(2372.) SEC. 3. Companies formed under the provisions of this act may fix and collect rates of fare on their respective roads, not exceeding five cents per mile or any fraction of a mile, for each passenger.

An Act in relation to mortgages against preferred stock in, and the delivery of goods by, railway companies.

[Approved February 10, 1859. Laws of 1859, p. 212.]

Mortgage sale.

(2373.) SECTION 1. *The People of the State of Michigan enact,* That upon the foreclosure of any mortgage or pledge of the property and franchises of any railway corporation, if the railway track and its appurtenances are sold at the sale thereunder, and if the purchaser or purchasers shall, either by purchase from said company or otherwise, provide suitable equipments for running said

Rights of purchasers.

¹ Repealed by Act 290, Laws of 1865, p. 584.

road, and performing in all respects the duties to the public by law incumbent upon said corporation, and shall transfer to said corporation again its railway track and appurtenances, and all and singular the equipments necessary to run the same, and perform all its duties to the public, and shall, under their hands and seals, and verified by their oaths, declare that he or they, having become such purchaser or purchasers, are desirous of continuing to perform the duties and enjoying the franchises and immunities of said corporation, and state in said declaration, under oath, that they have so provided the means for continuing the same, and set forth the name which he or they desire said corporation to be thereafter called, and shall file said declaration with the Secretary of State, together with a copy of the order confirming the sale to him or them, and notify the Attorney General, then such purchaser or purchasers shall be at liberty to issue, and themselves hold, new stock in said corporation to such an amount and of such denomination as they shall deem proper: *Provided*, That unless additional stock shall be in good faith subscribed by persons able fully to pay up the same, new stock to a greater amount shall not be issued than sufficient at par to represent the fair value of all the property and rights then owned by said corporation. When said new stock shall be issued, and the holders thereof shall proceed, as they are hereby authorized to do, to elect officers for said corporation, and said officers shall duly qualify for the same, as by the charter required, the old officers of said company shall be superseded, and the old stock in said corporation shall be deemed forfeited, and may be canceled on the books of said corporation, and the new stockholders and officers shall, in the law, be deemed and taken to be the stockholders and officers of said corporation, the charter and all laws appertaining thereto continuing to be the charter and laws regulating and governing said corporation, except that it may be known and called, and sue and be sued, and may contract, and do all acts which in the law it could have done in its old name, in and by the name set forth in the declaration aforesaid. And the said corporation shall not be liable for any debts or obligations except those by it thereafter contracted. But no prior mortgage or lien shall be in any way affected by such proceeding, and all property whatsoever, if any, that shall not be sold, shall remain liable for all the debts of such corporation; and no liability of any corporator, director, or other person whatsoever, shall be in any wise lessened or affected by any proceeding or act authorized by this act.

Provided.

Issue of new stock.

Prior mortgage.

Preferred stock.

(2374.) SEC. 2. When it shall be necessary to make loans in order to meet the just liabilities, or to carry out the lawful objects and duties of any railroad corporation within this State, or, if any of its creditors, holding its bonds, or other obligation of indebtedness whatsoever, shall be willing to exchange the same for preferred or secured stock, it shall be lawful for any such corporation, a vote of a majority of the stockholders being first obtained therefor, to issue such stock, and to secure in any lawful mode the prescribed dividends thereon, and to make the same payable in preference to dividends upon the other stock of said corporation: *Provided*, That no dividend shall be secured greater than the rate of eight per cent, unless all the stockholders shall vote therefor, and in no case greater than the rate of interest allowed by law at the time such stock shall be issued. Such preference may be full or partial, and subject to such conditions and terms as said corporation may deem proper; and such stock shall be redeemable and payable upon such terms and at such times as shall be provided in the resolution authorizing the issue thereof, but no such stock shall be sold at less than its par value.

Provision for
limit of dividend

Personal delivery
of goods.

(2375.) SEC. 3. Every railway company in this State is authorized to make personal delivery of every parcel, package, or quantity of goods or property, if the consignee of such property shall reside within two miles of the terminus, or railway station, or other terminus, of the carriage of such property by the main line of such carrier, and they are hereby authorized to employ or own all the means necessary to perform such duty, and to place the men and vehicles therefor under the government and sole regulation of the superintendent or other proper officer of such companies. Such delivery shall be at the house, shop, office, or other place of business of the consignee, according to the nature of such property, and where the owner or consignee desires to have the same: *Provided*, That in all cases where the consignor or consignee shall desire to have said property taken at the depot, station, or terminus of the carriage of the same, he shall be at liberty to do so, and on notice given, either by a party sending goods, or a party expecting to receive any, that he or they so desire, they shall remain in the usual manner, and for the usual time, in the custody of said carrier, subject to the order of the owner thereof:

Proviso.

Proviso.

Provided, That when the by-laws or ordinances of any municipal corporation requires any sum of money to be paid annually or otherwise, for licenses by draymen or other common carriers in each municipal corporation, said railway companies shall not have

the benefit of this section without paying into the treasury of such municipal corporation such sum or sums of money for each and every of the drays or other vehicles of carriage, for the delivery of goods provided for in this section, as may be provided in said by-laws or ordinances for licensed draymen and other like common carriers.

SEC. 4. This act is ordered to take immediate effect.

An Act to require railroad corporations within this State to cut and destroy the noxious weeds which grow on the land occupied by them.

[Approved February 15, 1859. Laws of 1859, p. 1079.]

(2376.) SECTION 1. *The People of the State of Michigan enact,* Noxious weeds to be destroyed.
That all railroad corporations doing business in this State shall, between the first day of July and the twentieth day of August, in each year, cause all noxious weeds growing on the lands occupied by them in any city, village, or organized township of this State, to be cut down and destroyed.

(2377.) SEC. 2. In case any railroad company shall refuse or neglect to comply with the requirements specified in the first section of this act, they shall be liable in a penalty of twenty-five dollars, to be prosecuted for in an action of debt by any person feeling himself aggrieved. Said suit may be brought before any justice of the peace of the county, who shall require of the complainant surety to pay the costs in case he fails to maintain his action. Summons may be served on any agent or officer of the company. Penalty for neglect or refusal.

An Act relative to tender of damages by railroad companies.

[Approved March 18, 1863. Laws of 1863, p. 199.]

(2378.) SECTION 1. *The People of the State of Michigan enact,* Tender of damages; effect of.
That when any railroad company desires to acquire the right of way through any lands or premises, such company may, previous to or after proceedings are commenced for such purpose, tender to the owner or owners of said lands or premises, any sum of money which such company shall conceive sufficient amends for the damages for such right of way, together with the cost to the time of making such tender; and if it shall appear in the progress of such proceedings, or upon the assessment of damages, that the amount so tendered was sufficient to pay such damages, and twenty-five per cent over and above the same, and the costs of the suit or proceedings up to the time of such tender, the owner or owners of

such lands or premises shall not be entitled to recover or collect any costs incurred subsequent to the time of such tender, but shall be liable to such railroad company for the costs incurred by it subsequent to such time.

SEC. 2. This act shall take immediate effect.

An Act to fix the term of office and confirm the powers of the board of control of railroads.¹

[Approved March 21, 1865. Laws of 1865, p. 609.]

Powers contin-
ued.

(2379.) SECTION 1. *The People of the State of Michigan enact,* That the board of control of railroads, created by the provisions of section eight of act number one hundred and twenty-six of the Session Laws of eighteen hundred and fifty-seven, being an act disposing of certain grants of lands made to the State of Michigan for railroad purposes, by act of Congress approved June third, eighteen hundred and fifty-six, be and they are hereby continued and perpetuated until abolished by act of the Legislature.

Term of office.

(2380.) SEC. 2. The term of office of the commissioners constituting said board of control shall be four years from the date of their appointment (unless appointed to fill a vacancy), and the term of office of the present commissioners shall terminate and expire at the time of the approval by the Governor of this act.

Appointment of
commissioner.

(2381.) SEC. 3. At the expiration of said term as established by this act, six commissioners shall be nominated by the Governor and confirmed by the Senate, who, with the Governor, shall constitute said board of control, whose duty it shall be to manage and dispose of all lands appropriated for the construction of railroads as provided in act number one hundred and twenty-six of Session Laws of eighteen hundred and fifty-seven, and all acts amendatory thereto, and to do any and all other acts necessary and proper respecting the construction of said railroads which shall be prescribed by law. The Governor shall be *ex officio* the president of said board, and any vacancies that may occur between the sessions of the Legislature by death, resignation, or otherwise, shall be filled by the Governor until the first meeting of the Legislature after such vacancy shall occur.

Board of con-
trol, powers of.

President.

Compensation.

(2382.) SEC. 4. The commissioners shall receive four dollars per day and necessary expenses for each day that they shall be actually employed in the duties of their office. The amount of such allow-

¹ See section 8 of Act 126 of 1857, p. 849; also, Act 9 of 1859, p. 23.

ance and expenses shall be apportioned among the different com- How paid.
 panies in such a manner as the board shall deem equitable, and
 shall be paid by the several companies, from time to time, as the
 board may direct; and all acts of the said board of control, in the
 exercise of the general powers of transfer, supervision, and control,
 heretofore conferred by law, are hereby ratified and confirmed.

(2383.) SEC. 5. All acts and parts of acts contravening the pro- Acts repealed.
 visions of this act are hereby repealed.

An Act to regulate drayage to and from railroads.

[Approved February 19, 1867. Laws of 1867, p. 23.]

(2384.) SECTION 1. *The People of the State of Michigan enact,* Freight, where delivered by the companies.
 That all freight carried by any railroad company, now or hereafter
 existing under the laws or doing business in this State, shall be
 deliverable to the consignee thereof at the depot or station of such
 company, in the place where the same shall be directed, unless the
 consignee or consignees thereof shall consent to the delivery of the
 same at his or their place or places of business, or elsewhere, by the
 drays or trucks owned or employed by said railroad company: *Pro-* Proviso.
vided, That immediately or within a reasonable time after the
 arrival of any such freight at its place of destination, the railroad
 company carrying the same shall give notice of such arrival to the
 consignee or consignees of such freight.

(2385.) SEC. 2. All shippers of freight, by any of the railroad Delivery of freight by shippers.
 companies of this State, shall be and are hereby authorized to
 deliver any goods or freight they may wish to have transported
 on said railroads, to any of said companies' depots or stations,
 at the usual places of deposit therefor; and it shall not be law-
 ful for any such railroad company to charge, collect, or receive any Relating to expense of drayage.
 cartage or drayage on goods received for transportation, unless
 said goods shall have been actually carted or drayed by said rail-
 road company, at the request of the shipper or shippers thereof;
 and any person or persons violating the provisions of this act, shall Penalty for violating.
 be deemed guilty of a misdemeanor, and punishable by fine not
 exceeding ten dollars.

An Act to fix the liability of railroad companies, as common carriers, in certain cases.

[Approved March 27, 1867. Laws of 1867, p. 165.]

(2386.) SECTION 1. *The People of the State of Michigan enact,* Liabilities limited only by written contract
 That no railroad company shall be permitted to change or limit its

common-law liability as a common carrier, by any contract, or in any other manner, except by a written contract, none of which shall be printed, which shall be signed by the owner or shipper of the goods or property to be carried.

Right to collect
and deliver
freight.

(2387.) SEC. 2. Nothing in this act shall be so construed as to interfere in any way with the right of railroad companies to collect or deliver freights from and to any of their depots or elsewhere; and said railroad companies shall, under this act, have the right to collect and deliver said property: *Provided*, That no additional charge shall be made therefor: *Provided further*, That nothing herein contained shall be so construed as to preclude any owner or shipper of any such goods, freight, or property from hauling the same to or from any place or places connected with any railroad, where such property, freight, or goods are deliverable.

Proviso.

Proviso.

An Act to compel railroad companies to provide their passenger coaches with aprons between the coaches, for the protection of passengers, and for other purposes.

[Approved March 27, 1867. Laws of 1867, p. 203.]

Passenger
coaches must
have aprons.

(2388.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any railroad company to run, on any railroad within the limits of this State, any passenger coaches for the transportation of passengers, unless the same shall be provided with suitable aprons of canvass, leather, india-rubber, or other suitable material between said coaches and upon each of the platforms of said coaches, to afford protection to passengers in passing from one car to another. Any railroad company that shall run any train without providing each of the passenger coaches thereof with such aprons, shall be held liable in a penalty of twenty-five dollars for each coach not so provided, to be sued for and recovered in an action of debt, to be brought in the name of the people of the State of Michigan, on the complaint of any person, with costs of suit. Said penalty shall, by the court before which such suit is prosecuted, be paid to the county treasurer of the county in which such suit is brought, and be placed by him to the credit of the school district library fund.

Penalty for run-
ning without.

Fines collected.

Where credited.

Blackboard at
telegraph sta-
tions.

(2389.) SEC. 2. It shall be the duty of all railroad companies doing business in the State of Michigan to provide, in each and every depot where there is a telegraphic station, a blackboard, on which shall be noticed what is known at said telegraph office of the time of the arrival of each passenger train, stating whether the same is on time or behind time, and how much. Any person or

company failing to comply with the provisions of this section shall, Penalty of neglect. for each and every day of such failure, forfeit and pay the sum of five dollars and costs of prosecution, which shall be sued for, and when collected shall be applied as provided in the preceding section: *Provided*, That no railroad company shall be liable under Provide. the provisions of this section for not making the notices herein prescribed after the hour of ten o'clock at night, at any station where the telegraph is not kept open at night after said hour of ten o'clock.

An Act for the relief of railroads in the Upper Peninsula.

[Approved March 27, 1867. Laws of 1867, p. 212.]

(2390.) SECTION 1. *The People of the State of Michigan enact*, Rates of fare per mile. That the several railroad companies in the Upper Peninsula, their successors and assigns, shall have the right to charge, collect, and receive fares, for passengers upon their roads, at the rate of five cents per mile.

(2391.) SEC. 2. The Peninsula railroad company, its successors Term of exemption from taxation. and assigns, shall, for the term of six years from and after March eleventh, eighteen hundred and sixty-five, have and enjoy the same exemption from taxation which was given to the Marquette and Ontonagon railroad company and the L'Anse and Ontonagon railroad company, by section three, of act one hundred and forty-eight, approved March eleventh, eighteen hundred and sixty-five, extending the time of their exemption from taxation for ten years from the time of the passage of that act: *Provided*, Said company shall Provide. keep its road open and in operation throughout each successive year, unless temporarily interrupted by storms, stress of weather, or other unavoidable casualties.

SEC. 3. This act shall take immediate effect.

An Act to authorize existing railroad companies to aid by subscription of stock, guarantying of bonds, or making running connections with any road constructed or to be constructed, under the general laws of this State.

[Approved April 3, 1869. Laws of 1869, p. 229.]

(2392.) SECTION 1. *The People of the State of Michigan enact*, Existing railroad companies may aid by subscription, etc., other roads. That it shall be competent for any existing railroad company in this State to aid by subscription of stock, by guarantying bonds, or making running and business arrangements, or in any other form which may be deemed expedient by its board of directors, in the

Acceptance of aid, how made available.

Arrangements may be made to equip, etc., road.

construction of any road, or part of a road constructing, or to be constructed under the general laws of this State, and any company organized under the general laws of this State may avail itself of such aid, and to make it available may enter into such agreements as shall be deemed expedient by the board of directors of said companies; and when any company organized under the general law shall be unable to finish, or equip and operate its said road, or any section thereof, it may make arrangements with any other railroad company to equip, operate, manage, and work such road, or section thereof, upon such terms as may be deemed just and fair, and for such length of time as may be agreed upon by the board of directors of the two companies.

SEC. 2. This act shall take immediate effect.

An Act to provide for the protection of laborers and persons furnishing material for the construction and repairing of railroads in this State.

[Approved April 13, 1871. Laws of 1871. p. 183.]

Laborers and persons furnishing materials shall have preference in payment.

(2393.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for all railroad companies, when contracts are made by them with contractor or contractors, for work, labor, or materials to be used in repairing or constructing railroads, to provide in the contract or contracts with said contractor or contractors, for the payment of laborers and persons furnishing material to said contractors or sub-contractors, to be used in said contract, and if no such provision is made in said contract or contracts, it shall be lawful for said railroad companies to withhold payment until such laborers and persons furnishing material are paid; and it shall be the duty of such railroad companies, by agent or otherwise, at each pay-day on said road or roads, to see that all laborers and persons furnishing material employed by contractor or contractors, or sub-contractors, are paid before payment is made to said contractors, not to exceed, however, the amount due to said contractors: *Provided,* The provisions of this act shall not apply to any iron or other materials and property used in ironing and equipping said railroad: *Provided further,* That a bill of items of the material and labor furnished to said contractor or sub-contractors shall be furnished to the company through their agent, or otherwise, together with the amount claimed, prior to the usual pay-day of said company, when such claim shall be due, or in case the contractor or contractors are not then paid, then prior to the payment then due.

Proviso.

Further proviso.

(2394.) SEC. 2. On compliance with the provisions of section one of this act, the persons performing the labor, or furnishing the materials, mentioned in section one, shall have the right to collect pay for the same from said railroad companies by action, as in case of other claims against said railroad companies, if the said claim or claims are undisputed and acknowledged to be due from said contractor or sub-contractors.

Laborers, etc., may collect pay of companies.

(2395.) SEC. 3. If the amount claimed to be due from the contractor or sub-contractors is disputed by them, then said company shall withhold the payment from both till the same has been adjudicated, as in other actions, before some court having jurisdiction of the amount in controversy, and judgment duly rendered, when the company shall pay over the amount of the judgment to the party recovering the same against said contractor or sub-contractors, provided the amount of said judgment is due to said contractor or contractors from said company; if not, then so much as is due on said contract.

Proceedings when parties do not agree as to amount due.

SEC. 4. This act shall take immediate effect.

An Act to remit certain specific taxes therein named.

[Approved April 13, 1871. Laws of 1871, p. 170.]

(2396.) SECTION 1. *The People of the State of Michigan enact,* That the specific taxes imposed upon railroad companies by section forty-five of the general railroad law and the amendments thereof, as amended by act number one hundred and forty-two of the Session Laws of eighteen hundred and sixty-nine, be and they are hereby remitted to the several companies liable to pay such specific taxes, so far as such taxes are in excess of the amount that the said several railroad companies would have been required to pay had not the said section forty-five been amended by the said act number one hundred and forty-two of the Session Laws of eighteen hundred and sixty-nine: *Provided,* That no railroad company shall be entitled to the benefit of this act that does not, on or before the first day of July, eighteen hundred and seventy-one, pay into the State Treasury the amount of specific taxes which said company would have been liable to pay had not the law of eighteen hundred and sixty-nine been passed.

Railroad companies.

Proviso.

SEC. 2. This act shall take immediate effect.

An Act to provide for the better protection of human life on railroad trains.

[Approved April 15, 1871. Laws of 1871, p. 255.]

Passenger cars
to carry axe and
saw within
reach.

(2397.) SECTION 1. *The People of the State of Michigan enact,* That every railroad company running trains upon any railroad within the limits of this State (or any portion thereof) shall provide and carry, at each end of each and every car owned or used by said company for the conveyance and carriage of passengers, a good and serviceable axe, properly sharpened, provided with a proper helve or handle, and at all times in a condition for immediate use; also, a good and serviceable carpenter's saw, also properly fitted and at all times in a condition for immediate use, each of which implements shall be suspended by leather beackets or straps upon the inside of said car, near the door thereof, and within easy view, reach, and access of passengers occupying said car; also, in the baggage car of each train of which any car for the conveyance of passengers forms a part, near the doors thereof, two or more lifting-jacks or screws, each of sufficient power to readily lift one end of any loaded car attached to said train, and each of which shall be so carried and secured as to be within easy view, reach, and access of any person or persons occupying said baggage car.

Baggage cars to
carry lifting-
jacks.

Penalty for non-
compliance.

(2398.) SEC. 2. In case any railroad corporation shall run any trains of cars within the limits of this State for the carriage and transportation of passengers, or upon which passengers are transported, without carrying upon each of the passenger and baggage cars forming a part of such train, the axes, saws, and lifting-jacks, in the number, place, and manner particularly prescribed in section one of this act, such corporation shall be liable to a penalty of fifty dollars for each and every train so run, to be sued for in the name of the people of this State, and such railroad corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

An Act to regulate the transportation of freight and passengers, and the management of railroads of this State not incorporated under an act entitled "An act to provide for the incorporation of railroad companies," as approved February twelfth, eighteen hundred and fifty-five.

[Approved April 17, 1871. Laws of 1871, p. 316.]

Rate of fare.

(2399.) SECTION 1. *The People of the State of Michigan enact,* That no railroad, excepting such as have been or that may be hereafter organized under the provisions of an act to provide for the

incorporation of railroad companies, approved February twelfth, eighteen hundred and fifty-five, or under any other general law of this State for the incorporation of railroad companies, shall be entitled to collect or receive, for the transportation of any passenger and his ordinary baggage, over three cents per mile: *Provided*, Proviso. That this section shall not repeal or interfere with the provisions of act number one hundred and fifty-five, approved March twenty-seventh, eighteen hundred and sixty-seven, entitled "An act for the relief of railroads in the Upper Peninsula."

(2400.) SEC. 2. Every conductor, baggage-master, engineer, brakeman, or other servant of all the railroads embraced in the first section of this act, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector without such badge shall demand or be entitled to receive from any passenger any fare, toll, or ticket, or to exercise any of the powers of his office, and no other of said officers or servants without such badge shall have any authority to meddle or interfere with any passenger, his baggage, or property. Employee to wear badge.

(2401.) SEC. 3. No person shall be ejected from any railway car of any company embraced under the first section of this act, for refusal to pay his or her fare, except at some regular station within eighty rods of some dwelling-house. Ejection from train.

(2402.) SEC. 4. Every railroad corporation embraced under the first section of this act shall start and run their cars for the transportation of passengers and property at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and at the junction of the railroads, and at siding and stopping places established for discharging and receiving way passengers and freight, and shall take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of toll, freight, or fare legally authorized therefor; and every railroad corporation embraced under the first section of this act shall transport merchandise, property, and persons from the various stations upon said roads, without partiality or favor, when not otherwise directed by the owner of said property, and with all practicable dispatch, and in the order in which said freight and property shall have been received, under a penalty, for each violation of this provision, of one hun- Regulations for the running of trains and carrying of freight.

Penalty for violation. dred dollars, to be recovered by the party aggrieved, in an action of debt against such corporation.

Penalty for intoxication of engineer or conductor. (2403.) SEC. 5. If any person shall be intoxicated while in charge of a locomotive engine running upon any railroad embraced in the first section of this act, or while acting as the conductor of any train of cars on any such railroad, he shall be liable for all damages incurred or produced by either his neglect or inefficiency, and shall be deemed guilty of a misdemeanor: *Provided*, Nothing in this section shall be construed to relieve the company from liability to the party damaged.

Provviso.

An Act to require railroad corporations to keep open ticket offices at passenger stations for the sale of tickets, thirty minutes before the advertised time of the starting of all passenger trains, and to compel conductors to call out the names of all stopping stations prior to reaching the same.

[Approved April 17, 1871. Laws of 1871, p. 317.]

Ticket offices to be open thirty minutes previous to train time.

Stations announced in cars.

Penalty for non-compliance, and disposition of fine.

(2404.) SECTION 1. *The People of the State of Michigan enact*, That all railroad companies doing business in this State by running cars for the conveyance of passengers, shall keep their ticket offices open for the sale of tickets at least thirty minutes previous to the time advertised for the departure of all passenger trains from every passenger station which any such passenger train, by notice given, is to start from or stop at, between the hours of seven o'clock in the morning and eleven o'clock in the evening, and that the conductors of all such passenger trains shall announce or cause to be announced the name of the station in each passenger car of every such train, within a reasonable time before the arrival of any passenger train at every station at which said train, from notice given, is to stop. For each violation of the provisions of this section, the railroad company whose employes do not comply with the provisions of this section in every respect shall forfeit the sum of one hundred dollars for each violation of same, one-half of which sum shall be paid to the person who in any way is injured by such violation, the other half to be paid to the person causing said railroad company to be prosecuted therefor.

An Act to revise the laws providing for the incorporation of railroad companies.

[Approved April 18, 1871. Laws of 1871, p. 328.]

Seven persons may organize.

(2405.) SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons, not less than seven, to organize themselves into a corporation for the purpose of

constructing, operating and maintaining a railroad, railroad bridge, or railroad tunnel, and for such purpose such persons shall subscribe articles of association, in which shall be set forth the name of the corporation; the number of years the same is to be continued; the amount of the capital stock of said company, which shall not be less than four thousand dollars per mile of road constructed, or proposed to be constructed, with flat bar rail, or with a gauge not exceeding three feet six inches in width, and not less than eight thousand dollars per mile of road constructed, or proposed to be constructed, of "T" rail, with gauge exceeding three and a half feet in width, and not less than half the estimated cost of any such bridge or tunnel; the number of shares of which the stock shall consist, which shall be of the amount of one hundred dollars each; the number of directors, which shall be not less than five nor more than thirteen, and their names; the places from and to which, and the name of each county into or through which it is, or is intended to be, constructed; and its length, as near as may be. Each subscriber to such articles of association shall set opposite his name, his place of residence, and the number of shares of stock by him subscribed. Whenever one thousand dollars per mile of such railway, or one-half the estimated cost of such bridge or tunnel, shall have been subscribed upon such articles of association, and five per cent of the amount thereof shall have been paid in to the directors named in such articles, and an affidavit shall have been made and annexed thereto by any two of said directors, that said amount has been subscribed and said five per cent paid in, as before provided, such articles of association shall be filed in the office of the Secretary of State; and thereupon the persons who have subscribed such articles, and all other persons who shall, from time to time thereafter, subscribe to or become the holders of the capital stock of said corporation in the manner to be provided by its by-laws, shall be a body corporate, by the name specified in such articles, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding, and conveying any real and personal property whatever, necessary for the construction, maintenance, and operation of said railway, and for the erection of all necessary buildings, yards, and appurtenances for the use of the same.

Articles of association.

Conditions precedent to the filing of articles.

Corporate rights.

(2406.) SEC. 2. All of the corporate powers of any such corporation shall be and are hereby vested in the board of directors, except as may be herein otherwise provided. No person except a stock-

Directors.

such lands or premises shall not be entitled to recover or collect any costs incurred subsequent to the time of such tender, but shall be liable to such railroad company for the costs incurred by it subsequent to such time.

SEC. 2. This act shall take immediate effect.

An Act to fix the term of office and confirm the powers of the board of control of railroads.¹

[Approved March 21, 1865. Laws of 1865, p. 669.]

Powers continued.

(2379.) SECTION 1. *The People of the State of Michigan enact,* That the board of control of railroads, created by the provisions of section eight of act number one hundred and twenty-six of the Session Laws of eighteen hundred and fifty-seven, being an act disposing of certain grants of lands made to the State of Michigan for railroad purposes, by act of Congress approved June third, eighteen hundred and fifty-six, be and they are hereby continued and perpetuated until abolished by act of the Legislature.

Term of office.

(2380.) SEC. 2. The term of office of the commissioners constituting said board of control shall be four years from the date of their appointment (unless appointed to fill a vacancy), and the term of office of the present commissioners shall terminate and expire at the time of the approval by the Governor of this act.

Appointment of commissioner.

(2381.) SEC. 3. At the expiration of said term as established by this act, six commissioners shall be nominated by the Governor and confirmed by the Senate, who, with the Governor, shall constitute said board of control, whose duty it shall be to manage and dispose of all lands appropriated for the construction of railroads as provided in act number one hundred and twenty-six of Session Laws of eighteen hundred and fifty-seven, and all acts amendatory thereto, and to do any and all other acts necessary and proper respecting the construction of said railroads which shall be prescribed by law. The Governor shall be *ex officio* the president of said board, and any vacancies that may occur between the sessions of the Legislature by death, resignation, or otherwise, shall be filled by the Governor until the first meeting of the Legislature after such vacancy shall occur.

Board of control, powers of.

President.

Compensation.

(2382.) SEC. 4. The commissioners shall receive four dollars per day and necessary expenses for each day that they shall be actually employed in the duties of their office. The amount of such allow-

¹ See section 8 of Act 126 of 1857, p. 349; also, Act 9 of 1858, p. 28.

ance and expenses shall be apportioned among the different com- How paid.
panies in such a manner as the board shall deem equitable, and
shall be paid by the several companies, from time to time, as the
board may direct; and all acts of the said board of control, in the
exercise of the general powers of transfer, supervision, and control,
heretofore conferred by law, are hereby ratified and confirmed.

(2383.) SEC. 5. All acts and parts of acts contravening the pro- Acts repealed.
visions of this act are hereby repealed.

An Act to regulate drayage to and from railroads.

[Approved February 19, 1867. Laws of 1867, p. 23.]

(2384.) SECTION 1. *The People of the State of Michigan enact,* Freight, where delivered by the companies.
That all freight carried by any railroad company, now or hereafter
existing under the laws or doing business in this State, shall be
deliverable to the consignee thereof at the depot or station of such
company, in the place where the same shall be directed, unless the
consignee or consignees thereof shall consent to the delivery of the
same at his or their place or places of business, or elsewhere, by the
drays or trucks owned or employed by said railroad company: *Pro-* Proviso.
vided, That immediately or within a reasonable time after the
arrival of any such freight at its place of destination, the railroad
company carrying the same shall give notice of such arrival to the
consignee or consignees of such freight.

(2385.) SEC. 2. All shippers of freight, by any of the railroad Delivery of freight by shippers.
companies of this State, shall be and are hereby authorized to
deliver any goods or freight they may wish to have transported
on said railroads, to any of said companies' depots or stations,
at the usual places of deposit therefor; and it shall not be law- Relating to expense of drayage.
ful for any such railroad company to charge, collect, or receive any
cartage or drayage on goods received for transportation, unless
said goods shall have been actually carted or drayed by said rail-
road company, at the request of the shipper or shippers thereof;
and any person or persons violating the provisions of this act, shall Penalty for violating.
be deemed guilty of a misdemeanor, and punishable by fine not
exceeding ten dollars.

An Act to fix the liability of railroad companies, as common carriers, in certain cases.

[Approved March 27, 1867. Laws of 1867, p. 165.]

(2386.) SECTION 1. *The People of the State of Michigan enact,* Liabilities limited only by written contract
That no railroad company shall be permitted to change or limit its

common-law liability as a common carrier, by any contract, or in any other manner, except by a written contract, none of which shall be printed, which shall be signed by the owner or shipper of the goods or property to be carried.

Right to collect
and deliver
freight.

(2387.) SEC. 2. Nothing in this act shall be so construed as to interfere in any way with the right of railroad companies to collect or deliver freights from and to any of their depots or elsewhere; and said railroad companies shall, under this act, have the right to collect and deliver said property: *Provided*, That no additional charge shall be made therefor: *Provided further*, That nothing herein contained shall be so construed as to preclude any owner or shipper of any such goods, freight, or property from hauling the same to or from any place or places connected with any railroad, where such property, freight, or goods are deliverable.

Proviso.

Proviso.

An Act to compel railroad companies to provide their passenger coaches with aprons between the coaches, for the protection of passengers, and for other purposes.

[Approved March 27, 1867. Laws of 1867, p. 263.]

Passenger
coaches must
have aprons.

(2388.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any railroad company to run, on any railroad within the limits of this State, any passenger coaches for the transportation of passengers, unless the same shall be provided with suitable aprons of canvass, leather, india-rubber, or other suitable material between said coaches and upon each of the platforms of said coaches, to afford protection to passengers in passing from one car to another. Any railroad company that shall run any train without providing each of the passenger coaches thereof with such aprons, shall be held liable in a penalty of twenty-five dollars for each coach not so provided, to be sued for and recovered in an action of debt, to be brought in the name of the people of the State of Michigan, on the complaint of any person, with costs of suit. Said penalty shall, by the court before which such suit is prosecuted, be paid to the county treasurer of the county in which such suit is brought, and be placed by him to the credit of the school district library fund.

Penalty for run-
ning without.

Fines collected.

Where credited.

Blackboard at
telegraph sta-
tions.

(2389.) SEC. 2. It shall be the duty of all railroad companies doing business in the State of Michigan to provide, in each and every depot where there is a telegraphic station, a blackboard, on which shall be noticed what is known at said telegraph office of the time of the arrival of each passenger train, stating whether the same is on time or behind time, and how much. Any person or

company failing to comply with the provisions of this section shall, for each and every day of such failure, forfeit and pay the sum of five dollars and costs of prosecution, which shall be sued for, and when collected shall be applied as provided in the preceding section: *Provided*, That no railroad company shall be liable under the provisions of this section for not making the notices herein prescribed after the hour of ten o'clock at night, at any station where the telegraph is not kept open at night after said hour of ten o'clock.

Penalty of neglect.

Provide.

An Act for the relief of railroads in the Upper Peninsula.

[Approved March 27, 1867. Laws of 1867, p. 212.]

(2390.) SECTION 1. *The People of the State of Michigan enact*, That the several railroad companies in the Upper Peninsula, their successors and assigns, shall have the right to charge, collect, and receive fares, for passengers upon their roads, at the rate of five cents per mile.

Rates of fare per mile.

(2391.) SEC. 2. The Peninsula railroad company, its successors and assigns, shall, for the term of six years from and after March eleventh, eighteen hundred and sixty-five, have and enjoy the same exemption from taxation which was given to the Marquette and Ontonagon railroad company and the L'Anse and Ontonagon railroad company, by section three, of act one hundred and forty-eight, approved March eleventh, eighteen hundred and sixty-five, extending the time of their exemption from taxation for ten years from the time of the passage of that act: *Provided*, Said company shall keep its road open and in operation throughout each successive year, unless temporarily interrupted by storms, stress of weather, or other unavoidable casualties.

Term of exemption from taxation.

Provide.

SEC. 3. This act shall take immediate effect.

An Act to authorize existing railroad companies to aid by subscription of stock, guarantying of bonds, or making running connections with any road constructed or to be constructed, under the general laws of this State.

[Approved April 3, 1869. Laws of 1869, p. 229.]

(2392.) SECTION 1. *The People of the State of Michigan enact*, That it shall be competent for any existing railroad company in this State to aid by subscription of stock, by guarantying bonds, or making running and business arrangements, or in any other form which may be deemed expedient by its board of directors, in the

Existing railroad companies may aid by subscription, etc., other roads.

Acceptance of
aid, how made
available.

Arrangements
may be made to
equip, etc., road.

construction of any road, or part of a road constructing, or to be constructed under the general laws of this State, and any company organized under the general laws of this State may avail itself of such aid, and to make it available may enter into such agreements as shall be deemed expedient by the board of directors of said companies; and when any company organized under the general law shall be unable to finish, or equip and operate its said road, or any section thereof, it may make arrangements with any other railroad company to equip, operate, manage, and work such road, or section thereof, upon such terms as may be deemed just and fair, and for such length of time as may be agreed upon by the board of directors of the two companies.

SEC. 2. This act shall take immediate effect.

An Act to provide for the protection of laborers and persons furnishing material for the construction and repairing of railroads in this State.

[Approved April 13, 1871. Laws of 1871, p. 163.]

Laborers and
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ing materials
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(2393.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for all railroad companies, when contracts are made by them with contractor or contractors, for work, labor, or materials to be used in repairing or constructing railroads, to provide in the contract or contracts with said contractor or contractors, for the payment of laborers and persons furnishing material to said contractors or sub-contractors, to be used in said contract, and if no such provision is made in said contract or contracts, it shall be lawful for said railroad companies to withhold payment until such laborers and persons furnishing material are paid; and it shall be the duty of such railroad companies, by agent or otherwise, at each pay-day on said road or roads, to see that all laborers and persons furnishing material employed by contractor or contractors, or sub-contractors, are paid before payment is made to said contractors, not to exceed, however, the amount due to said contractors: *Provided,* The provisions of this act shall not apply to any iron or other materials and property used in ironing and equipping said railroad: *Provided further,* That a bill of items of the material and labor furnished to said contractor or sub-contractors shall be furnished to the company through their agent, or otherwise, together with the amount claimed, prior to the usual pay-day of said company, when such claim shall be due, or in case the contractor or contractors are not then paid, then prior to the payment then due.

Proviso.

Further proviso.

(2394.) SEC. 2. On compliance with the provisions of section one of this act, the persons performing the labor, or furnishing the materials, mentioned in section one, shall have the right to collect pay for the same from said railroad companies by action, as in case of other claims against said railroad companies, if the said claim or claims are undisputed and acknowledged to be due from said contractor or sub-contractors. Laborers, etc., may collect pay of companies.

(2395.) SEC. 3. If the amount claimed to be due from the contractor or sub-contractors is disputed by them, then said company shall withhold the payment from both till the same has been adjudicated, as in other actions, before some court having jurisdiction of the amount in controversy, and judgment duly rendered, when the company shall pay over the amount of the judgment to the party recovering the same against said contractor or sub-contractors, provided the amount of said judgment is due to said contractor or contractors from said company; if not, then so much as is due on said contract. Proceedings when parties do not agree as to amount due.

SEC. 4. This act shall take immediate effect.

An Act to remit certain specific taxes therein named.

[Approved April 13, 1871. *Laws of 1871, p. 170.*]

(2396.) SECTION 1. *The People of the State of Michigan enact,* Railroad companies. That the specific taxes imposed upon railroad companies by section forty-five of the general railroad law and the amendments thereof, as amended by act number one hundred and forty-two of the Session Laws of eighteen hundred and sixty-nine, be and they are hereby remitted to the several companies liable to pay such specific taxes, so far as such taxes are in excess of the amount that the said several railroad companies would have been required to pay had not the said section forty-five been amended by the said act number one hundred and forty-two of the Session Laws of eighteen hundred and sixty-nine: *Provided,* Proviso. That no railroad company shall be entitled to the benefit of this act that does not, on or before the first day of July, eighteen hundred and seventy-one, pay into the State Treasury the amount of specific taxes which said company would have been liable to pay had not the law of eighteen hundred and sixty-nine been passed.

SEC. 2. This act shall take immediate effect.

shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with all the right of way and all other rights of property, in the same manner and to the same intent as if the said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporations; and the titles and the real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said corporations, parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: *And provided further*, That all the debts, liabilities, and duties of either company shall thenceforth attach to such new operation [corporation], and be enforced against the same, to the same extent and in the same manner as if such debts, liabilities, and duties had been originally incurred by it.

Proviso.

Further proviso.

Relative to parts of two lines located on same route.

(2448.) SEC. 44. Whenever two railroad companies shall, for a portion of their respective lines, embrace the same location of line, they may, by agreement, provide for the construction of so much of said lines as is common to both of them, by one of the companies, and for the manner and terms upon which the business thereon shall be performed. Upon the making of such agreement, the company that is not to construct the part of the line which is common to both, may alter and amend its articles of association so as to terminate at the point of intersection, and may reduce its capital to a sum not less than ten thousand dollars for each mile of the road proposed to be constructed in such amended articles of association. Nothing in this act shall be construed to release any chartered company from building any line of road which by its charter it is obligated to build, or to transfer to any other company, by virtue of this section, or any agreement made in pursuance thereof, such obligation.

Liability for damages for causing death of persons.

(2449.) SEC. 45. Whenever the death of a person shall be caused by wrongful act, neglect, or default of any railroad company or its agents, and the act, neglect, or default is such as would (if death had not ensued) entitle the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the railroad corporation which would have been liable if death had not ensued shall be liable to an action for damages, not-

withstanding the death of the person so injured, and although the death shall have been caused under such circumstances as amount in law to felony.

(2450.) SEC. 46. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in any such action the jury may give such amount of damages as they shall deem a fair and just compensation, not exceeding five thousand dollars, with reference to the pecuniary injuries resulting from such death to the wife and next of kin of such deceased person: *Provided*, That any such action shall be commenced within two years of the death of such person; but nothing herein contained shall effect [affect] any suit or proceedings heretofore commenced and now pending in any of the courts of this State.

Who may bring action under section 45, and receive amount recovered.

Damages limited to \$5,000.

Proviso.

(2451.) SEC. 47. If any president, secretary, or other officer of any railroad corporation within this State shall willfully, and with intent to defraud said corporation, or any other person, make, sign, issue, sell, or offer to sell any false or fraudulent stock or other evidence of debt of said corporation, he shall be deemed guilty of felony, and shall be punished by imprisonment in the State Prison, at hard labor, not less than three years.

Penalty for selling false stock, etc.

(4252.) SEC. 48. A check shall be fixed to every parcel of baggage when taken for transportation, by the agent or servant of such corporation, if there is a handle, loop, or fixture so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger; and if such passenger shall have paid his fare, the same shall be refunded by the conductor in charge of the train; and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of such baggage.

Checking of baggage.

Penalty for refusing check.

Owner of baggage witness as to contents and value.

(2453.) SEC. 49. Every company which shall have unclaimed freight, not perishable, or unclaimed baggage in its possession, for a period of one year of [or] more, may sell the same at public

Sale of unclaimed baggage.

Notice of sale.

auCTION, and out of the proceeds may retain the charge of transportation and storage thereof, and the expenses of advertising and sale thereof. Notice of such sale shall be published at least once in each week for six successive weeks previous to such sale, in a newspaper in each county through which such road runs, in which a newspaper is published; which notice shall specify the time and place of such sale, and also the name of the consignee of such freight or baggage, if the same is marked on the packages, and a general description of the same; and the expenses of advertising shall be a lien on such freight or baggage, in a ratable proportion, according to the value of each article, package, or parcel, if more than one. In case such unclaimed freight or baggage shall be in its nature perishable, then the same may be sold as soon as may be after giving such notice of such sale as the nature of the case will permit, in the city, township, or village where the same may be, not exceeding six weeks. Such company shall make a record of the balance of the proceeds of the sale, if any, of the freight or baggage owned by or consigned to the same person, as near as can be ascertained, and at any time within two years thereafter shall refund any surplus so retained, to the owner of such freight of [or] baggage, his heirs, executors, administrators, or assigns, on satisfactory proof of such ownership.

Sale of perishable freight, etc., and disposition of proceeds.**Effect of amendments to, or repeal of this act.**

(2454.) SEC. 50. This act may at any time be altered, amended, or repealed, but such alteration, amendment, or repeal shall not affect the rights of property of companies organized under it; nor shall the dissolution of any such company take away or impair any remedy given for or against such corporation, its stockholders, or officers, for any liability which shall have been previously incurred; and the provisions of this act shall apply to all companies incorporated or existing under the act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, and the several acts amendatory thereof.

Rights and privileges of tunnel companies.

(2455.) SEC. 51. It shall be competent for all railroad-tunnel companies organized under this act to construct tunnels under the waters of this State, to extend the railroad track or tracks which they may lay through any tunnel which they may construct, so as to connect with any railroad whose business may pass through it, and for that purpose may acquire the right of the way over or under or across any private property, in the same manner as herein provided for acquiring the right of way for railroads, and may, with the authority of the common council of any city, acquire the

right to cross and use such portion of any street as may be found necessary; and to raise money, shall have the same authority as is herein conferred upon railroad companies to issue and sell bonds, and secure their payments by deeds of trust; and for all such purposes the said railroad-tunnel companies shall have the same rights as railroad companies organized under this act.

(2456.) SEC. 52. Any such tunnel company shall have the right to negotiate with any railroad company which may connect with its tunnel, for the purpose of obtaining aid in the construction of its work, and such railroad company shall have full power and authority to grant such aid upon such terms as may be agreed upon by both parties; which aid may be given by subscription to capital stock, or by guarantying bonds, or by both, or by a lease and agreement to pay rent, or in any other form which shall be found most effectual to accomplish the purpose and enable the said companies to procure the requisite means.

Aid for same from railroad companies.

(2457.) SEC. 53. The said companies shall have the right to charge such fair compensation for the use of its said road and tunnel by the railroad companies or horse-railroad companies whose business shall pass along and through it, as shall be found by experience requisite to enable them to pay, first, all the expense of keeping the works in repair, and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent upon their capital stock, and such additional sum as will furnish a sinking fund each year, not to exceed five per cent of the amount of its bonded debt, for the purpose of gradually extinguishing the same.

Compensation for use of tunnel, etc.

(2458.) SEC. 54. All railroad companies whose tracks may connect with such tunnels, shall have the right to send their business through them upon such terms as shall be just and fair, and the charges for the passage of freight and passengers from all railroads shall be the same, and with no discrimination in favor of or against the business of any connecting road.

Privileges of railways in the use of tunnels.

(2459.) SEC. 55. All acts and parts of acts contravening any of the provisions of this act are hereby repealed; but all proceedings pending, and all rights and liabilities existing, acquired, or incurred at the time this act takes effect, are hereby saved, and such proceedings may be consummated under and according to the law in force at the time such proceedings were commenced, or they may be abandoned, and new proceedings taken under this act. Nothing in this section contained shall be construed as in any manner

Repeal of contravening acts.

Paw Paw Railroad Company excepted.

affecting the franchises or privileges heretofore by law granted to the Paw Paw Railroad Company.

Suits for penalties.

(2460.) SEC. 56. All penalties incurred under this act, when not otherwise provided for, may be sued for in the name of the people of the State of Michigan, and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace.

SEC. 57. This act shall take immediate effect.

CHAPTER LXXVI.

TRAIN RAILWAY COMPANIES.

An Act to provide for the construction of train railways.

[Approved February 13, 1855. Laws of 1855, p. 338.]

Three or more persons may organize.
18 Mich. 238.

(2461.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than three, may be formed into a corporation for the purpose of constructing, owning, and operating a train railway or road for the conveyance of persons or property, to be operated by horse or other animal power, or by steam, or by pneumatic or any other motive power, or by any combination of them, as shall be determined by the board of directors, by complying with the following requirements: Notice shall be given in at least one newspaper printed in any county through which or in which such railway is intended to be constructed, of the time and place or places where books for subscribing for the stock thereof will be opened, and if there be no newspaper printed in the county, then such notice shall be printed in the city of Detroit; and when stock to the amount of one thousand dollars per mile of the said railway so intended to be built shall be in good

Notice to be published.

When may elect directors, etc.

faith subscribed, and ten per cent paid thereon, as hereinafter required, then the said subscribers may, upon due and proper notice, elect directors for said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the company, the number of years the same shall be continued, which shall not exceed thirty years from the date of said articles; the amount of the capital stock of said company; the number of shares of which said stock shall consist; the number of directors and their names, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the place from and to which the proposed railway is to be constructed, and each mine, city, and village to or through which it is intended to pass, and its length, as near as may be.¹

What the articles of association shall contain.

(2462.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name, by himself or by his attorney, his place of residence, and the number of shares of stock taken by him in said company. The said articles of association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles; and as such shall be capable of suing and being sued, in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons, by gift, grant or otherwise, and holding any land, tenements or hereditaments, necessary to be used in the construction, repair, and preservation of said railway, and the erection of toll-gates and houses thereon, and may by by-laws prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges and be subject to the provisions contained in chapter fifty-five of title ten of the Revised Statutes of this State, entitled "General provisions relating to corporations," as far as the same shall be applicable, and not inconsistent with the provisions of this act.

Name, residence, and number of shares to be subscribed.

Persons associated to be body corporate.

Powers, privileges and liabilities.

Chapter 73.

(2463.) SEC. 3. Such articles of association shall not be filed in the office of the Secretary of State until ten per cent on the amount of the stock subscribed thereto shall have been actually and in good faith paid to the directors named in such articles, nor until there

When articles to be filed with Secretary of State.

¹ As amended by Act 91 of the Laws of 1871, p. 129, approved and took effect April 12, 1871.

is indorsed thereon or annexed thereto an affidavit by at least two of the directors, that the amount of the capital stock required by the first section of this act has been subscribed, and that ten per cent on the amount has been actually paid in; and no stockholder shall be entitled to vote for directors of any company of which he may be a member, or for any other purpose, unless all assessments due on his stock shall be paid before such election.

Certified copy of articles and affidavit to be evidence.

(2464.) SEC. 4. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit aforesaid indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy, and of the whole of such articles of association, and of the affidavit indorsed thereon or affixed thereto, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.

Board of directors to manage affairs, their number, etc.

(2465.) SEC. 5. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, or once in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto in such manner as the by-laws of such company may direct. The election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term by the remaining directors. The directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places, and no person shall be a director unless he is a stockholder in said company.

Notice of election, etc.

Vacancy; how filled.

Terms and qualification of directors.

Election in certain cases, when held.

(2466.) SEC. 6. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be for that reason dissolved; but such election shall be held on some future day, to be fixed by the directors holding over, upon giving the notice therefor, as in this act provided; and all acts of the directors shall be binding upon such corporation.

Majority of directors quorum.

(2467.) SEC. 7. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

(2468.) SEC. 8. The directors, at their first meeting after their election, shall choose by ballot one of their number as president and one as treasurer, and they shall supply any vacancy in the office of president or treasurer, whenever the same shall occur.

President and treasurer to be elected.

(2469.) SEC. 9. The president and directors shall have power to make and prescribe such by-laws, rules, and regulations, respecting the transfer of stocks, and the management and control of the property and affairs of such corporation, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents, and servants, for conducting and carrying on the business of such incorporation, and determine their duties, and salaries and wages to be paid to them.

Powers of board of officers.

(2470.) SEC. 10. It shall be lawful for such company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of such railway, doing thereto no unnecessary damage, and paying any damage that may accrue; nor shall such company locate such road through any orchard or garden without the consent of the owner thereof, nor through any buildings or erections for the purpose of trade or manufacture, without permission from the owner or owners; and when the said route shall be determined by said company, it shall be lawful for their officers, agents, engineers, contractors, and servants, to enter upon, take possession of, and use such lands, to the width of one hundred feet, as said company may have purchased, or obtained from the owners and occupants the right to use; and also to enter upon, take, and use any other lands which may be necessary for the purpose of constructing and maintaining thereon such railway, toll-houses, gates, fixtures, and appurtenances, the necessity for taking such lands for such purposes, and the damages to be paid therefor, being first ascertained, and such damages paid, as provided in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, eighteen hundred and fifty-one. If, at any time after the location and use of the track of any railway company organized under the provisions of this act, it shall appear to the directors of said company that the line, in some parts thereof, may be improved, it shall be lawful for said directors from time to time to alter the line, and when a new line is adopted, to take possession of the lands

May enter upon lands for the purpose of surveying line of road, etc.

Width of road.

How damages for right of way, etc., ascertained and paid.

Provision for changing line and taking land for new line.

embraced in such new location, that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under this act, and use the same in place of the line for which the new line is substituted.¹

Power to hold
lands, etc., re-
stricted.

(2471.) SEC. 11. The said corporation shall not, in their corporate capacity, hold, purchase, or deal in any lands on which such railway shall run, except what may be necessary for the construction or maintenance thereof, and of the gates, toll-houses, and other fixtures connected therewith.

May purchase or
lease necessary
lands.

(2472.) SEC. 12. Such company so formed may procure by purchase or gift, from the owners thereof, any lands necessary for the construction of such railway, or for the erection of gates, toll-houses, and other fixtures, or may obtain from the owner or occupant the right to use the same for the purposes aforesaid, on such terms as may be agreed upon.

Toll may be col-
lected, etc.

(2473.) SEC. 13. Whenever such company shall have completed any part of such railway for use, it shall be lawful for said company to erect toll-gates thereon, and demand and receive from persons using such railway not exceeding the following rates of toll, namely: For every coal-car, ore-car, or other vehicle drawn over said railway, four cents per mile, or at the same rate for any distance less than a mile, when such car or vehicle shall not be loaded; and when such car or vehicle shall be loaded, then in addition to the toll aforesaid, not exceeding four cents per mile for each ton of coal, copper, iron ore, lumber, or other mineral or commodity transported or carried over such railway. Such toll-gates to be erected by such company may be as many in number, and located at such points, as such company may deem necessary. Any person using such railway may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket, or other evidence that he has paid the toll for the use of the whole or part of such railway, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll-gatherer through whose gate he is last entitled to pass.

Number of
gates.

Ticket.

Any person may
use road on pay-
ing toll.

(2474.) SEC. 14. Any railway constructed under this act shall be open to all persons for use, upon the payment of tolls as aforesaid, for the passage and repassage of cars and vehicles, constructed to carry minerals, lumber, or other freight upon such railway, at such

¹ Vide note to section 1 of this act.

times, and under such rules and regulations in regard to the passage of cars or vehicles each way upon such railway, as the authorized agent or agents, or the engineer thereof, may prescribe.

(2475.) SEC. 15. The directors of any company incorporated under this act, may require payment of the sums subscribed to the capital stock at such times, and in such proportion, and on such conditions, as they shall see fit, under the penalty of the forfeiture of the stock and all previous payments thereon, if payment shall not be made by the stockholders within sixty days after personal notice, or notice requiring such payment shall have been published, for six successive weeks, in a newspaper in the county or counties wherein such railway is situated; or if there be no newspaper published in such county or counties, then in a newspaper published in the city of Detroit; and they shall give notice of the payments thus required, and of the place and time where and when the same are to be made, at least thirty days previous to the payment of the same, in the newspaper or newspapers before mentioned, or by sending such notice to each stockholder by mail, directed to him at his usual place of residence.

Directors may require payment of stock subscribed, etc.

Forfeiture for non-payment.

Notice required to be published.

(2476.) SEC. 16. The shares of any company formed under this act shall be deemed to be personal property, and may be transferred as shall be prescribed by the by-laws of such company. The directors may at any time receive subscriptions to stock in such company, until the whole amount mentioned in the articles of association shall be subscribed; and whenever, in the judgement of said directors, it shall be necessary to increase the capital stock of any such company, for the extension or more perfect construction, equipment, or furnishing of its railway, or to provide lands or buildings needful for its use, it shall be competent for such directors, with the approval or ratification of the holders of a majority of the capital stock, at any lawful meeting of stockholders, to provide for such increase; and in all cases where such capital stock has been heretofore increased, or shall hereafter be increased, a certificate thereof, signed and certified as hereinafter required in case of amendments to articles of association, shall be filed in the office of the Secretary of State.¹

Shares deemed personal property.

Whenever capital shall be increased.

Certificate filed with Secretary of State.

(2477.) SEC. 17. Within sixty days after the formation of any company under this act, the directors thereof shall designate some place, within a county where such railway is intended to be constructed, as the office of such company, and shall give public notice

Place of office to be designated by directors.

Notice thereof.

¹ As amended by Act 188 of the Laws of 1867, p. 256, approved and took effect March 27, 1867.

thereof by publishing in some newspaper published in such county, if there be one, and if there be none, then in a newspaper published in the city of Detroit, which publication shall be continued once in each week for three successive weeks, and shall file a copy of such notice in the office of the register of deeds in each county where such road may be constructed, or intended to be ; and if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid, before it shall take place, in which notice the time of making the change shall be specified ; and every summons, notice, declaration, or other paper or process required by law to be served, may be served by leaving the same at such office, with any person having charge thereof, at any time except Sunday.

Change of place
of office.

(2478.) SEC. 18. The stockholders of every company incorporated under this act shall be jointly and severally liable, in their individual capacity, for all labor performed for such company ; and shall also be liable for the debts of such company, for an amount equal to the amount of any unpaid stock in such company, held by them at the time such debt was contracted and suit commenced thereon, to be recovered of any stockholder who is such when the debt is contracted, or any subsequent stockholder.

Individual li-
ability of stock-
holders.

Constitution,
Art. 15, Sec. 7.

(2479.) SEC. 19. If the directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted while they shall respectively continue stockholders or in office.

Liability for de-
claring dividend,
when company
insolvent.

(2480.) SEC. 20. But no suit shall be brought against any individual stockholder or stockholders, for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved ; and any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interests, costs, and expenses ; and any such stockholder, who may have paid as aforesaid, shall have a right to bring an action against, and recover of the rest of the stockholders, or any one or more of them, the due proportion

Stockholders not
liable until exe-
cution against
company is re-
turned unsatis-
fied.

Contribution
may be enforced.

thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant.

(2481.) SEC. 21. On or before the first Monday in January in each year, it shall be the duty of the directors of every company formed under this act to report to the Secretary of State, under the oath of at least two of such directors, the length of railway completed, the cost of constructing the same, the amount of all moneys expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on said road, the amount received during the previous year for tolls and from all other sources, stating each separately, the amount of dividends made, the amount set apart for repairs, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued: *Provided*, That the year contemplated in this section, so far as relates to the Upper Peninsula, shall terminate on the last day of September next preceding.

Directors to make report on oath, and when.

Contents of report.

When year to terminate in Upper Peninsula.

(2482.) SEC. 22. Each and every railway company formed under this act shall pay to the Treasurer of the State of Michigan an annual tax, at the rate of one-half of one per cent on the whole amount of capital paid in upon the capital stock of said company; which said tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

Taxes to be paid, and when.
18 Mich. 238.

(2483.) SEC. 23. Every toll-gatherer, at any such gate, who shall unreasonably hinder or delay any person entitled to pass, by the provisions of this act, or shall demand or receive from any person more toll than by law he shall be authorized to collect, shall, for each offense, forfeit the sum of five dollars to the party aggrieved, and shall be liable to the party aggrieved for all damages.

Punishment of toll-gatherer for illegal demand, etc.

(2484.) SEC. 24. Whenever a judgment is obtained against a toll-gatherer for a penalty, or for damages for acts done or omitted to be done by him in his capacity as toll-gatherer, and goods and chattels of such defendant, to satisfy such judgment, cannot be found, it shall be paid by the corporation whose officer he shall be; and if, on demand, payment shall be refused by the corporation, the amount of such judgment, with costs, may be recovered of such corporation.

Company holder for judgment against toll-gatherer.

List of tolls to be posted up, etc.

(2485.) SEC. 25. It shall be the duty of the directors of every such company to affix and keep up at or over each gate, where it can be conveniently read, a printed list of the rates of toll demanded at such gate.

Cars, etc., may be retained till toll paid.

(2486.) SEC. 26. Each toll-gatherer may detain and prevent from passing through his gate all persons with cars or vehicles, authorized to pass upon paying tolls, until they shall have paid, respectively, the tolls authorized by law.

Punishment for obstructing road.

(2487.) SEC. 27. If any person shall willfully obstruct, break, injure, or destroy any railway constructed or operated under the provisions of this act or any part thereof, or any work, cars, buildings, fixtures, or toll-gates attached to or in use upon the same, belonging to said company, such person or persons so offending shall, for every offense, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail or State Prison not more than one year, in the discretion of the court.

Penalty for forcibly passing gate, etc.

(2488.) SEC. 28. Any person who shall forcibly or fraudulently pass any toll-gate erected on such railway in pursuance of this act, without having paid the legal toll, shall, for each offense, be liable to a fine not exceeding twenty-five dollars, to be sued for and recovered by said company.

(2489.) SEC. 29. Every company incorporated under this act may be dissolved, and their corporate franchises taken from them, if they fail within one year to enter upon the construction of their railway, and to expend within that time at least ten per cent of the amount of their capital stock.¹

Subject to visitation, etc.

(2490.) SEC. 30. All companies formed under this act shall at all times be subject to visitation and examination by the Legislature, or a committee appointed by either house thereof, or by any agent or officer in pursuance of law; and the courts of this State shall have the same jurisdiction over such corporation and their officers, as over those created by special acts.

Legislature may alter, amend, or repeal this act. Proviso.

(2491.) SEC. 31. The Legislature may at any time alter, amend, or repeal this act; but such alteration, amendment, or repeal shall not operate as an alteration or amendment of the corporate rights of companies formed under it, unless specially named in the act so altering or amending this act, nor shall the dissolution of any such company take away or impair any remedy given

¹ As amended by Act 183 of the Laws of 1867, p. 256, approved and took effect March 27, 1867.

for or against such corporation, its stockholders, or officers for any liability which shall have been previously incurred.

SEC. 32. This act shall take effect immediately.

(2492.) SEC. 33. It shall be competent for parties to organize Street railways. companies under this act to construct and operate railways in and through the streets of any town or city in this State.¹

(2493.) SEC. 34. All companies or corporations formed for such Executive right. purposes shall have the exclusive right to use and operate any street railways constructed, owned, or held by them : *Provided*, That no Proviso. such company or corporation shall be authorized to construct a railway under this act through the streets of any town or city without the consent of the municipal authorities of such town or city, and under such regulations and upon such terms and conditions as said authorities may from time to time prescribe : *Provided* Consent of authorities. *further*, That after such consent shall have been given and accepted by the company or corporation to which the same is granted, such Regulations which may not be made. authorities shall make no regulations or conditions whereby the rights or franchises so granted shall be destroyed or unreasonably impaired, or such company or corporation be deprived of the right of constructing, maintaining, and operating such railway in the street in such consent or grant named, pursuant to the terms thereof.²

(2494.) SEC. 35. It shall be lawful for any corporation or association organized under the act hereby amended, for the purpose of Corporation may borrow money. building and operating street railways, to borrow money for the purpose of constructing and operating the road or roads proposed to be constructed by them, and for that purpose to mortgage or create any other lien upon their franchise, road, superstructure fixtures, rolling stock, and equipments ; and whenever such corporation or association shall have acquired a simple easement or right of way for its proposed road, or any part thereof, and shall have made and filed its articles of association in conformity to the provisions of the act hereby amended, any mortgage or mortgages executed by such corporation or association, upon the route or routes where such easement or right of way has been obtained, as aforesaid, shall be a legal and valid lien upon the right of way so obtained, to the entire extent of the interest of such corporation or association therein, and upon the superstructure and fixtures upon such route or routes, whether the same shall be built before May execute mortgage therefor.

¹ As added by Act 14 of the Laws of 1861, p. 11, approved and took effect February 2, 1861.

² Vide note to sections 16 and 29 of this act.

Sufficient designation in articles.	<p>or after, or partly before and partly after such mortgaging, and any such mortgage shall be deemed to be a mortgage upon real estate.¹</p> <p>(2495.) SEC. 36. In the articles of association of any company, formed for the construction and operating of a street railway in any city, it shall be a sufficient designation of the route or routes thereof, to declare that said railway is to be constructed and maintained in such streets or public ways of the particular city as has been or shall thereafter from time to time be granted to said company for that purpose by the proper municipal authorities of such city; and it shall be lawful to build, maintain, or extend the railway of such company, according to the terms and conditions of such grant or grants. Any such company heretofore organized may amend its articles of association to conform to this section, in the manner hereinafter provided for amendments.²</p>
Powers to amend.	<p>(2496.) SEC. 37. Whenever any such corporation or association, as herein provided, shall desire to build or extend their track and road along any of the public highways of this State, not included within the limits of any city or incorporated village, such corporation or association shall have the exclusive right to so build and extend: <i>Provided</i>, Such corporation or association shall first obtain the written consent to such building and extension of the supervisor and a majority of the commissioners of highways of the town or towns in which such highways are located, respectively, and which said consent may contain such regulations in reference to the construction, location, and operation of the portion of said road in such town or towns as may be agreed upon between the corporation and said officers respectively, which are hereby made valid and effectual; and such consent or consents shall be filed in the office of the township clerk of the town or towns respectively:</p>
Proviso.	<p><i>Provided</i>, No regulation made, as aforesaid, shall prevent or obstruct the free use of such highway by the traveling public.³</p>
How articles may be altered or amended.	<p>(2497.) SEC. 38. Any company already organized or to be organized under this act may, from time to time, by a vote of the holders of a majority of the capital stock of such company, at any lawful meeting of the stockholders, alter and amend the articles of association of said company, in any or all of the following particulars, namely: The amount of capital stock, the number of shares into which the same shall be divided, and the number of directors;</p>
Particulars.	

¹ As added by Act 88 of the Laws of 1868, p. 88, approved and took effect February 18, 1868.

² Vide note to section 16 of this act.

³ Vide note to section 35 of this act.

and such alterations and amendments, when duly drawn up, certified, and signed by the president and secretary of such company, sealed with its corporate seal, and filed in the office of the Secretary of State, shall become operative and have the same effect as are given by law to original articles of association.¹

When amendments become operative.

(2498.) SEC. 39. Any company already organized or to be organized under this act, for street railway purposes, may, whenever the same shall be authorized or approved at any lawful meeting by a vote of the holders of a majority of the whole capital stock, lease its railway, stock, and appurtenances for the running and operating the same for any term, not exceeding ten years at any one time: *Provided*, That notwithstanding such lease, the company shall remain subject to all the corporate obligations and liabilities. No street railway shall be open to the use of any person for the running of cars thereon, except under the authority of the owners thereof.¹

Power to lease.

Proviso.

(2499.) SEC. 40. The cars on the street railway of any company organized under this act may be operated by steam, or by any power other than animal power, whenever the municipal authorities of the city where such railway is situated shall authorize the same.¹

Cars operated by steam.

(2500.) SEC. 41. Any railway company now or hereafter to be organized under this act, shall have the right to cross, intersect, join, and unite its railway with any other railway or railroad now or hereafter constructed, whether the same be so constructed under this act or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railway or railroad company, with the necessary turn-outs, sidings, and switches, and other conveniences, in furtherance of the object of its connections, and to make all such running and business arrangements as said companies may agree upon; and every company, whose railway or railroad shall be intersected by any new railway or railroad, shall unite with the owners of such new railway or railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by commissioners, to be appointed by the court, as is hereinbefore provided for the taking of lands and other property, and to purchase or to take lands, franchises, or

How companies may intersect, cross, or join with other roads.

Old companies shall unite with new.

Manner of determining compensation when companies cannot agree.

¹ Added by Act 188 of the Laws of 1867, p. 258.

other property, as hereinbefore provided, which shall be necessary for the construction of its road.¹

To what corporations this act applicable.

(2501.) SEC. 42. All the provisions of this act, as amended, shall be applicable to all corporations now organized under this act, as though specifically named.¹

CHAPTER LXXVII.

STREET RAILWAY COMPANIES.

An act to provide for the formation of street railway companies.

[Approved March 5, 1867. Laws of 1867, p. 46.]

(2502.) SECTION 1. *The People of the State of Michigan enact,* That street railway companies may be organized under the provisions of this act.

Authorizing companies.

(2503.) SEC. 2. Any number of persons, not less than three, desiring to form a corporation for the purpose of constructing, owning, maintaining, or using any street railway in any city, village, or township in this State, may by articles of agreement in writing, associate for that purpose, under any name assumed by them in their articles of association: *Provided*, That no two companies shall assume the same name.

Provide.

Acknowledgment of articles.

(2504.) SEC. 3. Such articles of association shall be signed by the persons associating in the first instance, and acknowledged before some officer authorized by the laws of this State to take acknowledgment of deeds, and shall state—

Articles of association.

First. The name by which the corporation shall be known in the law;

Second. Definitely and distinctly the purpose for which the corporation is formed;

¹ As added by Act 91 of the Laws of 1871, p. 129.

Third. The amount of their capital stock, and the number of the shares thereof;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each;

Fifth. The city or village in which the office for the transaction of their business shall be located, and where their business is to be carried on;

Sixth. The term of the existence of the corporation, which shall not exceed thirty years;

Seventh. The number of the directors of the corporation, and the names of those who shall be directors for the first year.

(2505.) SEC. 4. Said articles of association may be filed in the office of the Secretary of State; and thereupon all persons who have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate, by the name specified in such articles, and by such name shall be capable of suing and being sued in any court of this State, and may have a common seal, and may alter and change the same at pleasure. A copy of any articles of association, filed in pursuance of this act, and certified by the Secretary of State to be a true copy thereof and of the whole of such articles of association, shall be in all courts and places presumptive evidence of the incorporation of such company and of the facts therein stated: *Provided*, That such articles shall not be filed in the office of the Secretary of State, as aforesaid, until stock to the amount of twenty-five thousand dollars has been subscribed thereto, nor until twenty-five per cent of the amount of the stock subscribed, as aforesaid, shall have been actually paid, in cash, to the directors named in such articles, nor until there is annexed thereto an affidavit, made by at least three of the directors named in said articles, that the amount of stock required by this section, to wit: Twenty-five thousand dollars has been subscribed, and that twenty-five per cent on the amount has been actually paid in.¹

(2506.) SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than ten thousand dollars, and shall be divided into shares of one hundred dollars each; but the capital stock and the number of the shares thereof may be increased at any lawful meeting of the stockholders; and whenever any such increase shall be made, a certificate showing the amount of such increase, signed by the president and the secre-

Articles filed
with Secretary
of State.

Body politic,
etc.

Seal.

Effect of certi-
fied copy of ar-
ticles.

Proviso.

Amount of cap-
ital stock.

How divided.

When stock and
shares may be
increased.

Sealed certifi-
cate; where
filed.

¹ As amended by Act 187 of the Laws of 1869, p. 252, approved April 8, 1869.

tary of the company, and sealed with its corporate seal, shall be filed in the office of the Secretary of State.

Number of directors; term of office.

(2507.) SEC. 6. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, or one in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such manner as the by-laws of such company may direct. The election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. In all elections each stockholder shall be entitled to cast as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors such vacancy shall be filled for the remainder of their term by the remaining directors. The directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places; and no person shall be a director unless he is a stockholder in said company; and no stockholder shall vote at any election who has not paid all assessments then due on the stock held by him.

Notices of election.

Mode of electing directors.

Director must be stockholder. Unpaid assessments prohibits voting.

In case an election is not held.

(2508.) SEC. 7. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be, for that reason, dissolved, but such election shall be held on some future day, to be fixed by the directors holding over, upon giving the notice thereof, as in this act provided; and all acts of the directors shall be binding upon such corporation.

(2509.) SEC. 8. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Election of officers.

(2510.) SEC. 9. The directors shall choose, by ballot, a president, who shall be one of the directors, and they shall also choose a secretary and treasurer, who shall hold their offices during such time as the by-laws of the company shall prescribe, and until others are chosen in their stead; and the directors shall supply any vacancy in the office of president, secretary, or treasurer whenever the same shall occur.

Power of president and directors.

(2511.) SEC. 10. The president and directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the transfer of stocks, and the management and control of the property and affairs of such corporation, the time and manner of calling

and holding the meetings of the stockholders and directors, the time for the election of directors and officers, and the terms for which they shall hold their respective offices, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents, and servants for conducting and carrying on the business of such corporation, and determine their duties and salaries and wages to be paid to them.

(2512.) SEC. 11. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment as required by a resolution of the board of directors, the said board shall be authorized to sue for the same, or declare his stock and all previous payments thereon forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice, in writing, to be served on him personally, or by depositing the same in the postoffice, properly directed to him at the postoffice nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company; which notice shall be served, as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

Payment of subscribed stock.

Non-payment of installments cause of forfeiture.

(2513.) SEC. 12. The shares in the capital stock of any corporation formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of said company. The directors of any such company may from time to time receive subscriptions to stock in said company, until the whole amount of the stock of the association shall be subscribed; but no certificates of shares in any such company shall be issued until the whole amount of the shares mentioned in such certificate shall have been paid in full to the company.

Shares personal property.

Subscriptions received.

Certificates of shares issued.

(2514.) SEC. 13. Any street railway corporation organized under the provisions of this act, may, with the consent of the corporate authorities of any city or village, given in and by an ordinance or ordinances duly enacted for that purpose, and under such rules, regulations, and conditions as in and by such ordinance or ordinances shall be prescribed, construct, use, maintain, and own a street railway for the transportation of passengers, in and upon the lines of such streets and ways, in said city or village, as shall be

Authority to construct and use.

- designated and granted from time to time for that purpose, in the ordinance or ordinances granting such consent; but no such railway company shall construct any railway in the streets of any city or village until the company shall have accepted in writing the terms and conditions upon which they are permitted to use said streets; and any such company may extend, construct, use, and maintain their road, in and along the streets or highways of any township, adjacent to said city or village, upon such terms and conditions as may be agreed upon by the company and the township board of the township, which agreement and the acceptance by the company of the terms thereof, shall be recorded by the township clerk, in the records of his township.
- Conditions to be accepted in writing.** (2515.) SEC. 14. After any city, village, or township shall have consented, as in this act provided, to the construction and maintenance of any street railways therein, or granted any rights and privileges to any such company, and such consent and grant have been accepted by the company, such township, city, or village shall not revoke such consent, nor deprive the company of the rights and privileges so conferred.
- Extension of road, and conditions.** (2516.) SEC. 15. Any street railway company may also purchase and acquire, either at public or private sale, whether judicial or otherwise, or may hire any street railway in any city, village, or township, owned by any other corporation or company, together with all the real and personal estate belonging thereto, and the rights, privileges, and franchises thereof, and may use, maintain, and complete such road, and may use and enjoy the rights, privileges, and franchises of such company, the same and upon the same terms as the company whose road and franchises were so acquired might have done. Every street railway company may also purchase, hold, own, or take upon lease such real estate, barns, stables, buildings, fixtures, and property as may be necessary for the use and business of their road; and the whole or any part thereof, together with their railway, fixtures, property, and appurtenances, rights, privileges, and franchises, may sell, lease, dispose of, pledge, or mortgage, whenever the corporation shall deem it expedient so to do.
- Accepted grants of rights cannot be revoked.**
- Authorized to purchase other roads, and enjoy their rights.**
- Authorized to purchase real estate, etc.**
- May borrow money and issue bonds, and mortgage their property.** (2517.) SEC. 16. Every street railway company may borrow money and issue their bonds therefor, and for any indebtedness incurred may mortgage their corporate property and franchises, and any property which they shall at any time acquire, to secure the payment of their bonds, money borrowed, and any and all debts and liabilities which they may at any time incur.

(2518.) SEC. 17. In constructing their railways every such company shall conform to the grades established or which may be established by the common council or other corporate authorities of the city or village, for the street traversed by said railways, nor shall the company at any time alter or change the grade or line of any street; without the consent of the common council or other corporate authorities of the city or village, first had and obtained.

Company must conform to the grades.

(2519.) SEC. 18. Every street railway company is hereby required to lay the track of their road or railway in such way or mode and with such kind of rail, and to keep their railway and that part of the street and pavement within and adjacent to the track of such road or railway, in such condition and state of repair as shall be prescribed and provided in the consent, grant, or agreement of the municipal authorities permitting the construction and location of such road or railway.

Manner of laying track.

(2520.) SEC. 19. The common council or other corporate authorities of the city or village in which any street railway shall be located, may from time to time, by ordinance or otherwise, establish and prescribe such rules and regulations in regard to said railway as may be required for the grading, paving, and repairing the street, and the construction of sewers, drains, reservoirs, and crossings, and the laying of gas and water-pipes, upon, in, and along the streets traversed by such road, and to prevent obstructions thereon.

City or village authorities may establish rules concerning grade, etc.

(2521.) SEC. 20. The rates of toll or fare which any street railway company may charge for the transportation of persons or passengers over their road, shall be established by agreement between such company and the corporate authorities of the city or village where the road is located, and shall not be increased without consent of such authorities.

Tolls to be agreed upon.

(2522.) SEC. 21. Service of every summons, notice, declaration, or other legal process may be made on any street railway company by leaving a copy thereof at the business office of the company, with any person in charge thereof, or by leaving such copy with any director or officer of the company in the county where the road of such company is located.

How a summons, etc., may be served.

(2523.) SEC. 22. The stockholders of every company incorporated under this act, shall be jointly and severally liable, in their individual capacity, for all labor performed for such company; and shall also be liable for the debts of such company, for an amount equal to the amount of any unpaid stock in such company held by them.

Liabilities of stockholders.

Sufficient designation in articles.	or after, or partly before and partly after such mortgaging, and any such mortgage shall be deemed to be a mortgage upon real estate. ¹
	(2495.) SEC. 36. In the articles of association of any company, formed for the construction and operating of a street railway in any city, it shall be a sufficient designation of the route or routes thereof, to declare that said railway is to be constructed and maintained in such streets or public ways of the particular city as has been or shall thereafter from time to time be granted to said company for that purpose by the proper municipal authorities of such city; and it shall be lawful to build, maintain, or extend the railway of such company, according to the terms and conditions of such grant or grants. Any such company heretofore organized may amend its articles of association to conform to this section, in the manner hereinafter provided for amendments. ²
Powers to amend.	
Authorized to use public highways.	(2496.) SEC. 37. Whenever any such corporation or association, as herein provided, shall desire to build or extend their track and road along any of the public highways of this State, not included within the limits of any city or incorporated village, such corporation or association shall have the exclusive right to so build and extend: <i>Provided</i> , Such corporation or association shall first obtain the written consent to such building and extension of the supervisor and a majority of the commissioners of highways of the town or towns in which such highways are located, respectively, and which said consent may contain such regulations in reference to the construction, location, and operation of the portion of said road in such town or towns as may be agreed upon between the corporation and said officers respectively, which are hereby made valid and effectual; and such consent or consents shall be filed in the office of the township clerk of the town or towns respectively:
Proviso.	
Proviso.	<i>Provided</i> , No regulation made, as aforesaid, shall prevent or obstruct the free use of such highway by the traveling public. ³
How articles may be altered or amended.	(2497.) SEC. 38. Any company already organized or to be organized under this act may, from time to time, by a vote of the holders of a majority of the capital stock of such company, at any lawful meeting of the stockholders, alter and amend the articles of association of said company, in any or all of the following particulars, namely: The amount of capital stock, the number of shares into which the same shall be divided, and the number of directors;
Particulars.	

¹ As added by Act 83 of the Laws of 1868, p. 33, approved and took effect February 18, 1868.

² Vide note to section 16 of this act.

³ Vide note to section 35 of this act.

and such alterations and amendments, when duly drawn up, certified, and signed by the president and secretary of such company, sealed with its corporate seal, and filed in the office of the Secretary of State, shall become operative and have the same effect as are given by law to original articles of association.¹

When amendments become operative.

(2498.) SEC. 39. Any company already organized or to be organized under this act, for street railway purposes, may, whenever the same shall be authorized or approved at any lawful meeting by a vote of the holders of a majority of the whole capital stock, lease its railway, stock, and appurtenances for the running and operating the same for any term, not exceeding ten years at any one time: *Provided*, That notwithstanding such lease, the company shall remain subject to all the corporate obligations and liabilities. No street railway shall be open to the use of any person for the running of cars thereon, except under the authority of the owners thereof.¹

Power to lease.

Proviso.

(2499.) SEC. 40. The cars on the street railway of any company organized under this act may be operated by steam, or by any power other than animal power, whenever the municipal authorities of the city where such railway is situated shall authorize the same.¹

Cars operated by steam.

(2500.) SEC. 41. Any railway company now or hereafter to be organized under this act, shall have the right to cross, intersect, join, and unite its railway with any other railway or railroad now or hereafter constructed, whether the same be so constructed under this act or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railway or railroad company, with the necessary turn-outs, sidings, and switches, and other conveniences, in furtherance of the object of its connections, and to make all such running and business arrangements as said companies may agree upon; and every company, whose railway or railroad shall be intersected by any new railway or railroad, shall unite with the owners of such new railway or railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by commissioners, to be appointed by the court, as is hereinbefore provided for the taking of lands and other property, and to purchase or to take lands, franchises, or

How companies may intersect, cross, or join with other roads

Old companies shall unite with new.

Manner of determining compensation when companies cannot agree.

¹ Added by Act 188 of the Laws of 1867, p. 258.

other property, as hereinbefore provided, which shall be necessary for the construction of its road.¹

To what corporations this act applicable.

(2501.) SEC. 42. All the provisions of this act, as amended, shall be applicable to all corporations now organized under this act, as though specifically named.¹

CHAPTER LXXVII.

STREET RAILWAY COMPANIES.

An act to provide for the formation of street railway companies.

[Approved March 5, 1867. Laws of 1867, p. 46.]

(2502.) SECTION 1. *The People of the State of Michigan enact,* That street railway companies may be organized under the provisions of this act.

Authorizing companies.

(2503.) SEC. 2. Any number of persons, not less than three, desiring to form a corporation for the purpose of constructing, owning, maintaining, or using any street railway in any city, village, or township in this State, may by articles of agreement in writing, associate for that purpose, under any name assumed by them in their articles of association: *Provided,* That no two companies shall assume the same name.

Proviso.

Acknowledgment of articles.

(2504.) SEC. 3. Such articles of association shall be signed by the persons associating in the first instance, and acknowledged before some officer authorized by the laws of this State to take acknowledgment of deeds, and shall state—

Articles of association.

First. The name by which the corporation shall be known in the law;

Second. Definitely and distinctly the purpose for which the corporation is formed;

¹ As added by Act 91 of the Laws of 1871, p. 129.

Third. The amount of their capital stock, and the number of the shares thereof;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each;

Fifth. The city or village in which the office for the transaction of their business shall be located, and where their business is to be carried on;

Sixth. The term of the existence of the corporation, which shall not exceed thirty years;

Seventh. The number of the directors of the corporation, and the names of those who shall be directors for the first year.

(2505.) SEC. 4. Said articles of association may be filed in the office of the Secretary of State; and thereupon all persons who have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate, by the name specified in such articles, and by such name shall be capable of suing and being sued in any court of this State, and may have a common seal, and may alter and change the same at pleasure. A copy of any articles of association, filed in pursuance of this act, and certified by the Secretary of State to be a true copy thereof and of the whole of such articles of association, shall be in all courts and places presumptive evidence of the incorporation of such company and of the facts therein stated: *Provided*, That such articles shall not be filed in the office of the Secretary of State, as aforesaid, until stock to the amount of twenty-five thousand dollars has been subscribed thereto, nor until twenty-five per cent of the amount of the stock subscribed, as aforesaid, shall have been actually paid, in cash, to the directors named in such articles, nor until there is annexed thereto an affidavit, made by at least three of the directors named in said articles, that the amount of stock required by this section, to wit: Twenty-five thousand dollars has been subscribed, and that twenty-five per cent on the amount has been actually paid in.¹

Articles filed with Secretary of State.

Body politic, etc.

Seal.

Effect of certified copy of articles.

Proviso.

(2506.) SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than ten thousand dollars, and shall be divided into shares of one hundred dollars each; but the capital stock and the number of the shares thereof may be increased at any lawful meeting of the stockholders; and whenever any such increase shall be made, a certificate showing the amount of such increase, signed by the president and the secre-

Amount of capital stock.

How divided.

When stock and shares may be increased.

Scaled certificate; where filed.

¹ As amended by Act 187 of the Laws of 1869, p. 252, approved April 8, 1869.

tary of the company, and sealed with its corporate seal, shall be filed in the office of the Secretary of State.

Number of directors; term of office.

(2507.) SEC. 6. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, or one in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such manner as the by-laws of such company may direct. The election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. In all elections each stockholder shall be entitled to cast as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors such vacancy shall be filled for the remainder of their term by the remaining directors. The directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places; and no person shall be a director unless he is a stockholder in said company; and no stockholder shall vote at any election who has not paid all assessments then due on the stock held by him.

Notices of election.

Mode of electing directors.

Director must be stockholder. Unpaid assessments prohibits voting.

In case an election is not held.

(2508.) SEC. 7. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be, for that reason, dissolved, but such election shall be held on some future day, to be fixed by the directors holding over, upon giving the notice thereof, as in this act provided; and all acts of the directors shall be binding upon such corporation.

(2509.) SEC. 8. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Election of officers.

(2510.) SEC. 9. The directors shall choose, by ballot, a president, who shall be one of the directors, and they shall also choose a secretary and treasurer, who shall hold their offices during such time as the by-laws of the company shall prescribe, and until others are chosen in their stead; and the directors shall supply any vacancy in the office of president, secretary, or treasurer whenever the same shall occur.

Power of president and directors.

(2511.) SEC. 10. The president and directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the transfer of stocks, and the management and control of the property and affairs of such corporation, the time and manner of calling

and holding the meetings of the stockholders and directors, the time for the election of directors and officers, and the terms for which they shall hold their respective offices, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents, and servants for conducting and carrying on the business of such corporation, and determine their duties and salaries and wages to be paid to them.

(2512.) SEC. 11. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment as required by a resolution of the board of directors, the said board shall be authorized to sue for the same, or declare his stock and all previous payments thereon forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice, in writing, to be served on him personally, or by depositing the same in the postoffice, properly directed to him at the postoffice nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company; which notice shall be served, as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

Payment of subscribed stock.

Non-payment of installments cause of forfeiture.

(2513.) SEC. 12. The shares in the capital stock of any corporation formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of said company. The directors of any such company may from time to time receive subscriptions to stock in said company, until the whole amount of the stock of the association shall be subscribed; but no certificates of shares in any such company shall be issued until the whole amount of the shares mentioned in such certificate shall have been paid in full to the company.

Shares personal property.

Subscriptions received.

Certificates of shares issued.

(2514.) SEC. 13. Any street railway corporation organized under the provisions of this act, may, with the consent of the corporate authorities of any city or village, given in and by an ordinance or ordinances duly enacted for that purpose, and under such rules, regulations, and conditions as in and by such ordinance or ordinances shall be prescribed, construct, use, maintain, and own a street railway for the transportation of passengers, in and upon the lines of such streets and ways, in said city or village, as shall be

Authority to construct and use.

- designated and granted from time to time for that purpose, in the ordinance or ordinances granting such consent; but no such railway company shall construct any railway in the streets of any city or village until the company shall have accepted in writing the terms and conditions upon which they are permitted to use said streets; and any such company may extend, construct, use, and maintain their road, in and along the streets or highways of any township, adjacent to said city or village, upon such terms and conditions as may be agreed upon by the company and the township board of the township, which agreement and the acceptance by the company of the terms thereof, shall be recorded by the township clerk, in the records of his township.
- Conditions to be accepted in writing.** (2515.) SEC. 14. After any city, village, or township shall have consented, as in this act provided, to the construction and maintenance of any street railways therein, or granted any rights and privileges to any such company, and such consent and grant have been accepted by the company, such township, city, or village shall not revoke such consent, nor deprive the company of the rights and privileges so conferred.
- Extension of road, and conditions.** (2516.) SEC. 15. Any street railway company may also purchase and acquire, either at public or private sale, whether judicial or otherwise, or may hire any street railway in any city, village, or township, owned by any other corporation or company, together with all the real and personal estate belonging thereto, and the rights, privileges, and franchises thereof, and may use, maintain, and complete such road, and may use and enjoy the rights, privileges, and franchises of such company, the same and upon the same terms as the company whose road and franchises were so acquired might have done. Every street railway company may also purchase, hold, own, or take upon lease such real estate, barns, stables, buildings, fixtures, and property as may be necessary for the use and business of their road; and the whole or any part thereof, together with their railway, fixtures, property, and appurtenances, rights, privileges, and franchises, may sell, lease, dispose of, pledge, or mortgage, whenever the corporation shall deem it expedient so to do.
- Accepted grants of rights cannot be revoked.**
- Authorized to purchase other roads, and enjoy their rights.**
- Authorized to purchase real estate, etc.**
- May borrow money and issue bonds, and mortgage their property.** (2517.) SEC. 16. Every street railway company may borrow money and issue their bonds therefor, and for any indebtedness incurred may mortgage their corporate property and franchises, and any property which they shall at any time acquire, to secure the payment of their bonds, money borrowed, and any and all debts and liabilities which they may at any time incur.

(2518.) SEC. 17. In constructing their railways every such company shall conform to the grades established or which may be established by the common council or other corporate authorities of the city or village, for the street traversed by said railways, nor shall the company at any time alter or change the grade or line of any street; without the consent of the common council or other corporate authorities of the city or village, first had and obtained.

Company must conform to the grades.

(2519.) SEC. 18. Every street railway company is hereby required to lay the track of their road or railway in such way or mode and with such kind of rail, and to keep their railway and that part of the street and pavement within and adjacent to the track of such road or railway, in such condition and state of repair as shall be prescribed and provided in the consent, grant, or agreement of the municipal authorities permitting the construction and location of such road or railway.

Manner of laying track.

(2520.) SEC. 19. The common council or other corporate authorities of the city or village in which any street railway shall be located, may from time to time, by ordinance or otherwise, establish and prescribe such rules and regulations in regard to said railway as may be required for the grading, paving, and repairing the street, and the construction of sewers, drains, reservoirs, and crossings, and the laying of gas and water-pipes, upon, in, and along the streets traversed by such road, and to prevent obstructions thereon.

City or village authorities may establish rules concerning grade, etc.

(2521.) SEC. 20. The rates of toll or fare which any street railway company may charge for the transportation of persons or passengers over their road, shall be established by agreement between such company and the corporate authorities of the city or village where the road is located, and shall not be increased without consent of such authorities.

Tolls to be agreed upon.

(2522.) SEC. 21. Service of every summons, notice, declaration, or other legal process may be made on any street railway company by leaving a copy thereof at the business office of the company, with any person in charge thereof, or by leaving such copy with any director or officer of the company in the county where the road of such company is located.

How a summons, etc., may be served.

(2523.) SEC. 22. The stockholders of every company incorporated under this act, shall be jointly and severally liable, in their individual capacity, for all labor performed for such company; and shall also be liable for the debts of such company; for an amount equal to the amount of any unpaid stock in such company held by them.

Liabilities of stockholders.

Fictitious dividends.

(2524.) SEC. 23. If the directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted while they shall respectively continue stockholders or in office.

Individuals not liable till after judgment is obtained against the company.

(2525.) SEC. 24. But no suit shall be brought against any individual stockholder or stockholders for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved; and any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interests, costs, and expenses; and any such stockholder who may have paid as aforesaid, shall have a right to bring an action against and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant.

Right of stockholder to sue the company, or other stockholders.

Annual report.

(2526.) SEC. 25. On or before the second Monday in January in each year, it shall be the duty of the directors of every company formed under this act to report to the Secretary of State, under the oath of at least two of such directors—

First. The amount of capital paid in ;

Second. The amount of the indebtedness of the company ;

Third. The length of road completed ;

Fourth. Cost of construction and equipment ;

Fifth. Gross receipts and earnings of the company for the past year ;

Sixth. Cost of operating the road for the past year ;

Seventh. Amount of dividends for the past year ;

Eighth. A list of stockholders, their name, and residence.

Annual tax.

(2527.) SEC. 26. Each and every railway company formed under this act shall pay to the Treasurer of the State of Michigan an annual tax, at the rate of one-half of one per cent on the whole amount of capital paid in upon the capital stock of said company,

which said tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

How estimated
and when paid.

(2528.) SEC. 27. Every company incorporated under this act for the purposes of constructing a railway, shall cease to be a body corporate, if within one year from the time of filing their articles of association with the Secretary of State, they shall not have commenced the construction of their railway, and expended therein at least ten per cent of their capital stock.

When an incor-
porated body
shall cease to be
so.

(2529.) SEC. 28. If any person shall willfully obstruct, break, injure, or destroy any railway constructed or operated under the provisions of this act, or any part thereof, or any work, cars, building, or fixtures attached to or in use upon the same, belonging to or in the possession of any street railway company, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year.

Penalty of ob-
structing, etc.

(2530.) SEC. 29. All companies and corporations heretofore organized in this State for the purpose of building and operating street railways under the statutes then in force, shall have the same powers, rights, protection, and privileges, and shall be subject to all the liabilities as are hereby provided for companies and corporations organized under the provisions of this act.

Power of com-
panies hereto-
fore organized.

(2531.) SEC. 30. All companies and corporations hereafter formed for the purpose of constructing, owning, or using any street railway for the transportation of persons and passengers, in any city or village, shall be organized under the provisions of this act, and shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, and to all other general laws of this State relating to corporations, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter and amend or repeal this act at any time.

Power of com-
panies hereto-
fore formed.

SEC. 31. This act shall take immediate effect.

CHAPTER LXXVIII.

PLANK ROAD COMPANIES.

An Act relative to plank roads.

Approved March 13, 1848. Laws of 1848, p. 69.]

Plank road companies incorporated, to be subject to provisions of this act.

(2532.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all corporations hereafter created for the purpose of constructing plank roads, shall be subject to the provisions hereinafter contained.

What acts of incorporation to specify.

(2533.) SEC. 2. All acts incorporating companies for the purpose aforesaid, shall contain the names of not less than three persons, as commissioners, to receive subscriptions to the capital stock of said corporation, and shall specify the point or place from which and to which said road is to be constructed, the capital stock of such company, and the number of shares into which the stock is to be divided, and the duration of such corporation.

Powers of plank road companies.

(2534.) SEC. 3. All such corporations shall be deemed persons in law, and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant, or otherwise, and holding any lands, tenements, and hereditaments necessary to be used in the construction, repair, and preservation of any such road, and may establish by-laws and regulations necessary for the construction, preservation, and repair of any such road or roads, and the erection of toll-gates and houses thereon; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders

in any such road; the number of shares of stock that shall entitle a stockholder to one or more votes; the mode of voting by proxy; the mode of selling shares of stock for the non-payment of assessments; the mode in which shares shall become forfeited to such company; and may prescribe penalties for the violations of such by-laws, which penalty shall not exceed twenty-five dollars for each offense; and in addition to the powers in this act otherwise granted to such companies, any such company shall have the following powers under the conditions herein prescribed:

First. For the purpose of providing means for the construction and completion of any plank road authorized to be built by any such company, and its building and equipments, any such company may issue its corporate bonds or obligations, not exceeding in the aggregate one-half the capital stock of such company, in such form as it may deem proper, payable at such time and places in this State, upon such terms and with such rates of interest (not exceeding ten per cent per annum) as the board of directors of such company may determine, with the approval of the owners of a majority of the stock of such company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars. To issue corporate bonds.

Second. Any such company may sell, dispose of, or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices, and on such terms as such company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of, or negotiated at a discount, such sale, disposal, or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of, or negotiated at their par value; and such bonds or obligations shall be valid and binding, as a security for the whole sum payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company. To dispose of bonds.

Third. For all or any of the purposes aforesaid, any such company may create and issue shares of guarantied stock, to be denominated "Construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law, which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences, or priority, over the To issue construction stock.

remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of such company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published, and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit.¹

Duties of commissioners in opening books, etc.

(2535.) SEC. 4. Within eighteen months after the passage of an act incorporating any such company, the commissioners named therein shall proceed to estimate the length of the proposed road, and cause books to be opened for the subscription of stock in any such company, at such times and places as they may see fit, first giving at least thirty days' notice thereof, which said notice shall be published in some public newspaper printed in some county in which or through which some part of the proposed road is to be constructed; and if there is no such paper, then in some daily paper in the city of Detroit, and in such other papers as such commissioners may designate; and the said commissioners or a majority of them shall attend at such times and places for the purpose of receiving such subscriptions.²

When and how commissioners to call first meeting.

(2536.) SEC. 5. Whenever, according to the length of the road as estimated by the commissioners, three hundred dollars per mile of the capital stock of any such company shall have been subscribed, the commissioners shall proceed to call a meeting of the stockholders in any such company, by giving notice of such meeting by publishing such call in some newspaper published in one of the counties in or through which the proposed road is to be constructed. If there is no paper published in any such counties,

¹ As amended by "An Act to amend sections three, nine, eighteen, nineteen, and twenty of an act entitled 'An act relative to plank roads,' approved March 13, 1848, and to add thereto six new sections, to stand as sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty," approved February 9, 1858. Laws of 1858, p. 64.

² As amended by Act 110 of the Laws of 1849. Laws of 1849, p. 103.

said notice may be published in a daily paper in the city of Detroit, and in any other paper in the State that said commissioners may select. Such notice shall be signed by such commissioners, or by a majority of them, and shall specify the time and place at which said meeting will be held, and shall be published at least two weeks consecutively, next preceding the day of such meeting.

(2537.) SEC. 6. At the meeting so called, the stockholders present shall elect not less than three nor more than five directors, each share of the capital stock being entitled to one vote, who shall hold their office for one year from and after such election, and until their successors are elected. A majority of said directors shall constitute a quorum for the transaction of business, and shall proceed forthwith to elect from their own number a president, treasurer, and secretary, who shall, respectively, hold their offices for one year, and until their successors are elected.

What officers to be chosen.

(2538.) SEC. 7. The business and property of such companies shall be managed and conducted by their respective boards of directors. The directors of all such companies, after the first year, shall be elected at such time and place, and upon such notice, and in such manner as shall be directed by the by-laws of any such company; and whenever a vacancy shall occur in any such board of directors, such vacancy shall be filled, for the remainder of the year, by an election to be made by the remaining directors. No person shall be a director unless he is a stockholder in the company.

Powers of directors; how chosen after first year.

(2539.) SEC. 8. The board of directors of any such company may require payment of the sums subscribed to the capital stock, at such time and in such manner and proportions, and on such conditions, as they shall see fit, under a penalty of stock and all payments made thereon; and they shall give notice of the payments thus required, and of the place and time when and where the same are to be made, at least thirty days previous to the day on which such payments are required to be made, in one newspaper printed in each county in or through which their road is located, and by sending by mail such notice to each stockholder from whom a payment is required, directed to him at his usual place of abode.

Notice of payment of subscriptions to be given.

(2540.) SEC. 9. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to render a report to the Auditor General, verified by the oath of any two of such directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended, the whole amount of earnings

Annual report to be made to Auditor General

expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual net profits of said company for the preceding year.¹

Office of company, how designated.

(2541.) SEC. 10. Within thirty days after the election of the first board of directors of any such road, the said directors shall designate some place, within a county in which such road or some part thereof is to be constructed, as the office of such company, and shall give notice thereof, by publishing the same in a public newspaper published in such county, which publication shall be continued once in each week for three successive weeks, or said notice may be given by filing the same in the office of the county clerk of every county in which any part of such road is constructed, or is to be constructed, and if the place of such office shall be changed, like notice shall be published or filed before such change shall take place, in which notice the time of making the change shall be specified; and every notice, writ, summons, declaration, or other process, required by law to be served on such company, may be served on the presiding officer, the secretary, the treasurer thereof, or by leaving the same at such office with any officer of such company, at any time between nine o'clock A. M., and noon, and between two and five o'clock in the afternoon, of any day except Sunday.²

Service of process on company.

Inhabitants of this State to have lien for claims.

(2542.) SEC. 11. Any inhabitant of this State shall have a lien upon the stock, appurtenances, and entire property of said plank road companies, for all claims and demands not exceeding one hundred dollars, against any of said companies, originally contracted or incurred within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such companies.

Directors shall cause survey, etc., to be recorded.

(2543.) SEC. 12. The board of directors of such company, after the same shall become organized as required by the provisions of this act, shall proceed to cause an accurate survey and description to be made of the route of their road, and of the land necessary to be taken by said company for the construction of such road and the necessary buildings and gates. They shall subscribe such survey, and acknowledge its execution as the execution of deeds is required to be acknowledged, in order that they may be recorded,

¹ As amended by Act 44 of 1858. Laws of 1858, p. 67. See note to section 8.

² Amended by Act 176 of 1848. Laws of 1848, p. 286.

and they shall cause such survey to be recorded in the register's office of each county through which their road may pass.

(2544.) SEC. 13. The route so laid out and surveyed by the said board of directors of such company, shall be the route of such road, and for the purpose of obtaining possession of such route, for the use of said company, the said board of directors shall be clothed with all the powers of commissioners of highways of townships are now required to do in laying out public highways: *Provided*, That if no agreement for the purchase of the lands so taken, with the owner of the same, can be made by the said board of directors: *And further provided*, That if any lands included in the route of said road shall be owned by an infant, idiot, or insane person, having no parent or guardian, or by a non-resident of the State, then and in such case, an application being made by the said board of directors to the judge of probate of the county in which said lands are situated, the said judge of probate shall appoint some competent and suitable person, having no interest adverse to such owner, to take care of the interest of such owner in respect to the proceedings, to lay out and take possession of such route; and the proceedings for settling damages for the land taken for the route of said road, in case no agreement is made therefor, shall be in conformity to the provisions applicable thereunto in chapter twenty-five of the Revised Statutes, and such company shall pay costs when by the provisions of said chapter the township would be liable for the same.

Powers of directors in construction of road

Proviso.

Further proviso.

(2545.) SEC. 14. Whenever any plank road company may wish to use any part of a public highway or street, for the construction of their plank road over the same, such company shall apply to the supervisor and commissioners of highways of the township, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, in which said highway or street is situated, for the purchase or release of the same; and it shall be the duty of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, to examine, at the expense of such company, so much of any such highway or street as may be wanted as aforesaid, by such company, and if, in the opinion of a majority of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such company, said supervisor and commissioners,

When and how use of highway to be obtained.

2 Mich. Rep. 188

Fictitious dividends.

(2524.) SEC. 23. If the directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted while they shall respectively continue stockholders or in office.

Individuals not liable till after judgment is obtained against the company.

(2525.) SEC. 24. But no suit shall be brought against any individual stockholder or stockholders for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved; and any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interests, costs, and expenses; and any such stockholder who may have paid as aforesaid, shall have a right to bring an action against and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant.

Right of stockholder to sue the company, or other stockholders.

Annual report.

(2526.) SEC. 25. On or before the second Monday in January in each year, it shall be the duty of the directors of every company formed under this act to report to the Secretary of State, under the oath of at least two of such directors—

First. The amount of capital paid in;

Second. The amount of the indebtedness of the company;

Third. The length of road completed;

Fourth. Cost of construction and equipment;

Fifth. Gross receipts and earnings of the company for the past year;

Sixth. Cost of operating the road for the past year;

Seventh. Amount of dividends for the past year;

Eighth. A list of stockholders, their name, and residence.

Annual tax.

(2527.) SEC. 26. Each and every railway company formed under this act shall pay to the Treasurer of the State of Michigan an annual tax, at the rate of one-half of one per cent on the whole amount of capital paid in upon the capital stock of said company,

which said tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

How estimated and when paid.

(2528.) SEC. 27. Every company incorporated under this act for the purposes of constructing a railway, shall cease to be a body corporate, if within one year from the time of filing their articles of association with the Secretary of State, they shall not have commenced the construction of their railway, and expended therein at least ten per cent of their capital stock.

When an incorporated body shall cease to be so.

(2529.) SEC. 28. If any person shall willfully obstruct, break, injure, or destroy any railway constructed or operated under the provisions of this act, or any part thereof, or any work, cars, building, or fixtures attached to or in use upon the same, belonging to or in the possession of any street railway company, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year.

Penalty of obstructing, etc.

(2530.) SEC. 29. All companies and corporations heretofore organized in this State for the purpose of building and operating street railways under the statutes then in force, shall have the same powers, rights, protection, and privileges, and shall be subject to all the liabilities as are hereby provided for companies and corporations organized under the provisions of this act.

Power of companies heretofore organized.

(2531.) SEC. 30. All companies and corporations hereafter formed for the purpose of constructing, owning, or using any street railway for the transportation of persons and passengers, in any city or village, shall be organized under the provisions of this act, and shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, and to all other general laws of this State relating to corporations, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter and amend or repeal this act at any time.

Power of companies heretofore formed.

SEC. 31. This act shall take immediate effect.

CHAPTER LXXVIII.

PLANK ROAD COMPANIES.

An Act relative to plank roads.

Approved March 13, 1848. Laws of 1848, p. 59.]

Plank road companies incorporated, to be subject to provisions of this act.

(2532.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all corporations hereafter created for the purpose of constructing plank roads, shall be subject to the provisions hereinafter contained.

What acts of incorporation to specify.

(2533.) SEC. 2. All acts incorporating companies for the purpose aforesaid, shall contain the names of not less than three persons, as commissioners, to receive subscriptions to the capital stock of said corporation, and shall specify the point or place from which and to which said road is to be constructed, the capital stock of such company, and the number of shares into which the stock is to be divided, and the duration of such corporation.

Powers of plank road companies.

(2534.) SEC. 3. All such corporations shall be deemed persons in law, and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant, or otherwise, and holding any lands, tenements, and hereditaments necessary to be used in the construction, repair, and preservation of any such road, and may establish by-laws and regulations necessary for the construction, preservation, and repair of any such road or roads, and the erection of toll-gates and houses thereon; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders

in any such road; the number of shares of stock that shall entitle a stockholder to one or more votes; the mode of voting by proxy; the mode of selling shares of stock for the non-payment of assessments; the mode in which shares shall become forfeited to such company; and may prescribe penalties for the violations of such by-laws, which penalty shall not exceed twenty-five dollars for each offense; and in addition to the powers in this act otherwise granted to such companies, any such company shall have the following powers under the conditions herein prescribed:

First. For the purpose of providing means for the construction and completion of any plank road authorized to be built by any such company, and its building and equipments, any such company may issue its corporate bonds or obligations, not exceeding in the aggregate one-half the capital stock of such company, in such form as it may deem proper, payable at such time and places in this State, upon such terms and with such rates of interest (not exceeding ten per cent per annum) as the board of directors of such company may determine, with the approval of the owners of a majority of the stock of such company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars.

To issue corporate bonds.

Second. Any such company may sell, dispose of, or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices, and on such terms as such company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of, or negotiated at a discount, such sale, disposal, or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of, or negotiated at their par value; and such bonds or obligations shall be valid and binding, as a security for the whole sum payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company.

To dispose of bonds.

Third. For all or any of the purposes aforesaid, any such company may create and issue shares of guaranteed stock, to be denominated "Construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law, which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences, or priority, over the

To issue construction stock.

remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company with the holders of an equal amount of the original stock of such company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published, and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit.¹

Duties of commissioners in opening books, etc.

(2535.) SEC. 4. Within eighteen months after the passage of an act incorporating any such company, the commissioners named therein shall proceed to estimate the length of the proposed road, and cause books to be opened for the subscription of stock in any such company, at such times and places as they may see fit, first giving at least thirty days' notice thereof, which said notice shall be published in some public newspaper printed in some county in which or through which some part of the proposed road is to be constructed; and if there is no such paper, then in some daily paper in the city of Detroit, and in such other papers as such commissioners may designate; and the said commissioners or a majority of them shall attend at such times and places for the purpose of receiving such subscriptions.²

When and how commissioners to call first meeting.

(2536.) SEC. 5. Whenever, according to the length of the road as estimated by the commissioners, three hundred dollars per mile of the capital stock of any such company shall have been subscribed, the commissioners shall proceed to call a meeting of the stockholders in any such company, by giving notice of such meeting by publishing such call in some newspaper published in one of the counties in or through which the proposed road is to be constructed. If there is no paper published in any such counties,

¹ As amended by "An Act to amend sections three, nine, eighteen, nineteen, and twenty of an act entitled 'An act relative to plank roads,' approved March 18, 1848, and to add thereto six new sections, to stand as sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty," approved February 9, 1858. Laws of 1858, p. 64.

² As amended by Act 110 of the Laws of 1849. Laws of 1849, p. 103.

said notice may be published in a daily paper in the city of Detroit, and in any other paper in the State that said commissioners may select. Such notice shall be signed by such commissioners, or by a majority of them, and shall specify the time and place at which said meeting will be held, and shall be published at least two weeks consecutively, next preceding the day of such meeting.

(2537.) SEC. 6. At the meeting so called, the stockholders present shall elect not less than three nor more than five directors, each share of the capital stock being entitled to one vote, who shall hold their office for one year from and after such election, and until their successors are elected. A majority of said directors shall constitute a quorum for the transaction of business, and shall proceed forthwith to elect from their own number a president, treasurer, and secretary, who shall, respectively, hold their offices for one year, and until their successors are elected.

What officers to be chosen.

(2538.) SEC. 7. The business and property of such companies shall be managed and conducted by their respective boards of directors. The directors of all such companies, after the first year, shall be elected at such time and place, and upon such notice, and in such manner as shall be directed by the by-laws of any such company; and whenever a vacancy shall occur in any such board of directors, such vacancy shall be filled, for the remainder of the year, by an election to be made by the remaining directors. No person shall be a director unless he is a stockholder in the company.

Powers of directors; how chosen after first year.

(2539.) SEC. 8. The board of directors of any such company may require payment of the sums subscribed to the capital stock, at such time and in such manner and proportions, and on such conditions, as they shall see fit, under a penalty of stock and all payments made thereon; and they shall give notice of the payments thus required, and of the place and time when and where the same are to be made, at least thirty days previous to the day on which such payments are required to be made, in one newspaper printed in each county in or through which their road is located, and by sending by mail such notice to each stockholder from whom a payment is required, directed to him at his usual place of abode.

Notice of payment of subscriptions to be given.

(2540.) SEC. 9. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to render a report to the Auditor General, verified by the oath of any two of such directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended, the whole amount of earnings

Annual report to be made to Auditor General

expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual net profits of said company for the preceding year.¹

Office of company, how designated.

(2541.) SEC. 10. Within thirty days after the election of the first board of directors of any such road, the said directors shall designate some place, within a county in which such road or some part thereof is to be constructed, as the office of such company, and shall give notice thereof, by publishing the same in a public newspaper published in such county, which publication shall be continued once in each week for three successive weeks, or said notice may be given by filing the same in the office of the county clerk of every county in which any part of such road is constructed, or is to be constructed, and if the place of such office shall be changed, like notice shall be published or filed before such change shall take place, in which notice the time of making the change shall be specified; and every notice, writ, summons, declaration, or other process, required by law to be served on such company, may be served on the presiding officer, the secretary, the treasurer thereof, or by leaving the same at such office with any officer of such company, at any time between nine o'clock A. M., and noon, and between two and five o'clock in the afternoon, of any day except Sunday.²

Service of process on company.

Inhabitants of this State to have lien for claims.

(2542.) SEC. 11. Any inhabitant of this State shall have a lien upon the stock, appurtenances, and entire property of said plank road companies, for all claims and demands not exceeding one hundred dollars, against any of said companies, originally contracted or incurred within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such companies.

Directors shall cause survey, etc., to be recorded.

(2543.) SEC. 12. The board of directors of such company, after the same shall become organized as required by the provisions of this act, shall proceed to cause an accurate survey and description to be made of the route of their road, and of the land necessary to be taken by said company for the construction of such road and the necessary buildings and gates. They shall subscribe such survey, and acknowledge its execution as the execution of deeds is required to be acknowledged, in order that they may be recorded,

¹ As amended by Act 44 of 1858. Laws of 1858, p. 67. See note to section 3.

² Amended by Act 176 of 1848. Laws of 1848, p. 286.

and they shall cause such survey to be recorded in the register's office of each county through which their road may pass.

(2544.) SEC. 13. The route so laid out and surveyed by the said board of directors of such company, shall be the route of such road, and for the purpose of obtaining possession of such route, for the use of said company, the said board of directors shall be clothed with all the powers of commissioners of highways of townships are now required to do in laying out public highways: *Provided*, That if no agreement for the purchase of the lands so taken, with the owner of the same, can be made by the said board of directors: *And further provided*, That if any lands included in the route of said road shall be owned by an infant, idiot, or insane person, having no parent or guardian, or by a non-resident of the State, then and in such case, an application being made by the said board of directors to the judge of probate of the county in which said lands are situated, the said judge of probate shall appoint some competent and suitable person, having no interest adverse to such owner, to take care of the interest of such owner in respect to the proceedings, to lay out and take possession of such route; and the proceedings for settling damages for the land taken for the route of said road, in case no agreement is made therefor, shall be in conformity to the provisions applicable thereunto in chapter twenty-five of the Revised Statutes, and such company shall pay costs when by the provisions of said chapter the township would be liable for the same.

Powers of directors in construction of road

Proviso.

Further proviso.

(2545.) SEC. 14. Whenever any plank road company may wish to use any part of a public highway or street, for the construction of their plank road over the same, such company shall apply to the supervisor and commissioners of highways of the township, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, in which said highway or street is situated, for the purchase or release of the same; and it shall be the duty of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, to examine, at the expense of such company, so much of any such highway or street as may be wanted as aforesaid, by such company, and if, in the opinion of a majority of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such company, said supervisor and commissioners,

When and how use of highway to be obtained.

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or a majority of them, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, may, in writing signed by them, grant to such company a right to enter upon, take, and use such highway or street for the purpose of the construction, maintenance, and use of a plank road thereon, under the provisions of the charter of such company; and upon filing such grant in the office of the township clerk of such township, the said company may at once enter upon, take, and use such highway or street for all the purposes aforesaid: *Provided*, That nothing herein contained shall prejudice any legal claim for private damages of any person on the line of such public highway or street, by reason of the granting the said highway or street to the use of any such company: *And provided further*, That the amount received by said supervisors and commissioners for granting any such highway to any such company, shall be by them expended in improving the highways, or in purchasing the right of way for highways in such township.

Saving of private rights.

Proviso.

Appraisal of private damages.

(2546.) SEC. 15. Whenever any portion of any public highway shall be granted to the use of a plank road company, as aforesaid, any person who shall claim damages by reason of the granting such highway to such use, as aforesaid, may have such damages appraised within the same time and in like manner as is prescribed by law for the appraisal of damages on the altering and laying out of public highways: *Provided*, That the same notice shall be given to one of the board of directors as is required to be given to the highway commissioners; and if any damages be awarded or appraised, the person in whose favor the same is awarded may bring an action of assumpsit for the recovery of the same against the company, and if in any such action the court shall be of opinion that such person had any legal ground to claim damages against such company, such person shall be then entitled to a judgment for the amount of damages so awarded and legal costs of suit.

Proviso.

Width of road, grade, and other description.

(2547.) SEC. 16. Every plank road made shall be laid out at least two and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth, and permanent road; eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in ten feet, and which roadway shall be constructed so as to permit carriages and other vehicles conveniently and easily to pass each other, and also as to permit carriages readily and easily to pass on and off where such road is intersected by other roads; and no

obstruction shall be suffered unnecessarily to remain upon such plank road at any such intersection.

(2548.) SEC. 17. Whenever any such company shall have completed their road, or any five consecutive miles thereof,¹ the directors thereof may erect toll-gates and exact tolls from persons traveling on their road, for so much as may be completed, at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn, and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile. Such toll-gates, so to be erected by such company, may be as many in number and located at such points as such company may deem necessary: *Provided* however, That any person using such road may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll-gatherer through whose gate he is last entitled to pass: *Provided*, That if any person shall forcibly and illegally pass any of the gates provided by this act, he shall forfeit and pay to the said company a sum not exceeding twenty-five dollars for each and every such offense, to be recovered for the benefit of said company before any justice of the peace of the county in which such gate is situated: *And provided*, That no farmer shall be required to pay any toll for the use of said road by himself or persons in his employ, engaged in the business of the farm, in passing from one part of the farm to another with his team or other stock.

When and where gates may be erected.

Rates of toll.
4 Mich. 87.

7 Barbour, 626.

Penalty for illegally passing gates.

8 Pick, 342.

Farmers exempt from toll in certain cases.

(2549.) SEC. 18. Each and every plank road company shall pay to the Treasurer of the State of Michigan an annual tax at the rate of five per cent on the net profits of said company for the year preceding the day on which the report in the ninth section of this act mentioned shall be made, which tax shall be paid on the first Tuesday of July in each year, and shall be estimated upon the last preceding report of said company and said State tax shall be in lieu of all other taxes upon the property of said company.²

Annual State tax; when to be paid, and how estimated.

¹ See section 5 of the act of February 12, 1855, following.

² As amended by act 44 of 1938, p. 67, section 3. See note to section 3.

SEC. 19.¹SEC. 20.²

Exemption from
toll.

(2550.) SEC. 21. Persons going to and returning from military parades which by law they are required to attend; and persons going to and returning from funerals, shall be exempt from the payment of any toll to any plank road company for such use of their road.

Time for re-
ceiving subscrip-
tions to capital
stock extended.

(2551.) SEC. 22. If the entire capital stock of such company shall not be subscribed at the time first provided by this act, the board of directors of any such company may at any time receive subscriptions to such capital stock until the whole amount of the capital stock allowed by its charter shall be subscribed.³

Duties of di-
rectors to keep
road in repair.

(2552.) SEC. 23. The board of directors of any such company shall have at all times, after the erection of any toll-gate or gates upon any plank road and the exaction of toll thereat, keep such portions of the road in good repairs, and in case of any dilapidation of the superstruction, or the breaking or removal of any plank or other portion of the surface of said road, as to endanger the safe passage of any team, animals, or vehicles, it shall be the duty of said board of directors, without unnecessary delay, to make such repairs as shall restore said road to its proper condition; and in case said board of directors shall fail to comply with the provisions of this section, they shall for every such neglect or refusal be liable to a forfeiture of ten dollars, to be recovered in action of debt by any person aggrieved or injured: *Provided*, That in all cases one of said board of directors shall first have been notified of any such defect, and the necessary time for its repairs shall have fully elapsed after such notice, and before the commencement of any such suit.

Forfeiture for
neglect.

Proviso.

Other forfeitures

(2553.) SEC. 24. Every plank road company hereafter incorporated shall at all times permit any person with any team, animal, or otherwise, paying toll as aforesaid, to travel upon the road and through the gates of such company without unnecessary hindrance or delay; and for every offense against the provisions of this section by said company or any agent or person in its employ, said company shall forfeit and pay a penalty not less than five nor more than fifty dollars, to be recovered by the party aggrieved before any court having jurisdiction thereof.⁴

¹ Repealed by Act 123 of 1855, p. 272, section 5.

² Repealed by Act 44 of 1853, p. 67, section 4.

³ As amended by "An act to amend section twenty-two of 'An act relative to plank roads,' approved March thirteenth, eighteen hundred and forty-eight, in reference to subscriptions of stock," approved April 4, 1851. Laws of 1851, p. 118.

⁴ Added by act 99 of 1948, p. 110.

(2554.) SEC. 25. Each toll-gatherer of any such company may detain and prevent from passing through his gate, any person or persons riding or leading or driving one or more animals or vehicles subject to toll, until such person or persons shall pay the lawful toll authorized by law to be demanded at such gate.¹

Power of toll-gatherer.

(2555.) SEC. 26. If any person shall willfully or maliciously obstruct, break, injure, or destroy the plank road of any such company, or shall willfully or maliciously injure or destroy any building, bridge, culvert, toll-gate, or other work or fixture of any such company, such person shall be punished by imprisonment in the State Prison not exceeding three years, or by fine not exceeding five hundred dollars and by imprisonment in the county jail not exceeding one year.

Penalty for obstructions, etc.

(2556.) SEC. 27. Every person who, with one or more animals or vehicles subject to toll, shall travel on the road of any such company between the toll-gates, and shall not pass through any gate of any such company, shall be liable to pay any such company, on demand, the regular toll at the rate per mile established by the charter of any such company, for the distance actually so traveled: *Provided*, That this section shall not apply to any person for any such travel as is exempted from toll.

Liability in certain cases.

Proviso.

(2557.) SEC. 28. Every person who, to avoid the payment of legal toll on said road, shall, with his vehicle or animal, or vehicles and animals, subject to tolls, turn off from such road, or pass any gate thereon, on any ground adjacent thereto, and enter again on such road, shall forfeit and pay any such company, for each offense, the penalty of ten dollars, and costs of suit for the recovery of the same.

Ibid.

(2558.) SEC. 29. All penalties and forfeitures given by the charter of any such company, may be sued for and recovered by any such company in its own name, in an action of debt or assumpsit, in any court of competent jurisdiction, or before any justice of the peace in the county where such offense was committed; and on the first Monday in January in each year, the treasurer of any such company shall render, under oath, to the treasurer of the proper county, an account of all moneys collected during the preceding year by any such company, for any penalty or forfeiture accruing within said county, and shall pay over to said county treasurer one-half of the amount so collected for the use of the

Penalties and forfeitures; how recovered.

Duty of treasurer of company

¹ Section 25 to 30, inclusive, added by Act 44 of 1853, pp. 68 and 69, in force from February 9, 1853.

expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual net profits of said company for the preceding year.¹

Office of company, how designated.

(2541.) SEC. 10. Within thirty days after the election of the first board of directors of any such road, the said directors shall designate some place, within a county in which such road or some part thereof is to be constructed, as the office of such company, and shall give notice thereof, by publishing the same in a public newspaper published in such county, which publication shall be continued once in each week for three successive weeks, or said notice may be given by filing the same in the office of the county clerk of every county in which any part of such road is constructed, or is to be constructed, and if the place of such office shall be changed, like notice shall be published or filed before such change shall take place, in which notice the time of making the change shall be specified; and every notice, writ, summons, declaration, or other process, required by law to be served on such company, may be served on the presiding officer, the secretary, the treasurer thereof, or by leaving the same at such office with any officer of such company, at any time between nine o'clock A. M., and noon, and between two and five o'clock in the afternoon, of any day except Sunday.²

Service of process on company.

Inhabitants of this State to have lien for claims.

(2542.) SEC. 11. Any inhabitant of this State shall have a lien upon the stock, appurtenances, and entire property of said plank road companies, for all claims and demands not exceeding one hundred dollars, against any of said companies, originally contracted or incurred within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such companies.

Directors shall cause survey, etc., to be recorded.

(2543.) SEC. 12. The board of directors of such company, after the same shall become organized as required by the provisions of this act, shall proceed to cause an accurate survey and description to be made of the route of their road, and of the land necessary to be taken by said company for the construction of such road and the necessary buildings and gates. They shall subscribe such survey, and acknowledge its execution as the execution of deeds is required to be acknowledged, in order that they may be recorded,

¹ As amended by Act 44 of 1858. Laws of 1858, p. 67. See note to section 8.

² Amended by Act 176 of 1848. Laws of 1848, p. 226.

and they shall cause such survey to be recorded in the register's office of each county through which their road may pass.

(2544.) SEC. 13. The route so laid out and surveyed by the said board of directors of such company, shall be the route of such road, and for the purpose of obtaining possession of such route, for the use of said company, the said board of directors shall be clothed with all the powers of commissioners of highways of townships are now required to do in laying out public highways: *Provided*, That if no agreement for the purchase of the lands so taken, with the owner of the same, can be made by the said board of directors: *And further provided*, That if any lands included in the route of said road shall be owned by an infant, idiot, or insane person, having no parent or guardian, or by a non-resident of the State, then and in such case, an application being made by the said board of directors to the judge of probate of the county in which said lands are situated, the said judge of probate shall appoint some competent and suitable person, having no interest adverse to such owner, to take care of the interest of such owner in respect to the proceedings, to lay out and take possession of such route; and the proceedings for settling damages for the land taken for the route of said road, in case no agreement is made therefor, shall be in conformity to the provisions applicable thereunto in chapter twenty-five of the Revised Statutes, and such company shall pay costs when by the provisions of said chapter the township would be liable for the same.

Powers of directors in construction of road

Proviso.

Further proviso.

(2545.) SEC. 14. Whenever any plank road company may wish to use any part of a public highway or street, for the construction of their plank road over the same, such company shall apply to the supervisor and commissioners of highways of the township, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, in which said highway or street is situated, for the purchase or release of the same; and it shall be the duty of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, to examine, at the expense of such company, so much of any such highway or street as may be wanted as aforesaid, by such company, and if, in the opinion of a majority of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such company, said supervisor and commissioners,

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or a majority of them, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, may, in writing signed by them, grant to such company a right to enter upon, take, and use such highway or street for the purpose of the construction, maintenance, and use of a plank road thereon, under the provisions of the charter of such company; and upon filing such grant in the office of the township clerk of such township, the said company may at once enter upon, take, and use such highway or street for all the purposes aforesaid: *Provided*, That nothing herein contained shall prejudice any legal claim for private damages of any person on the line of such public highway or street, by reason of the granting the said highway or street to the use of any such company: *And provided further*, That the amount received by said supervisors and commissioners for granting any such highway to any such company, shall be by them expended in improving the highways, or in purchasing the right of way for highways in such township.

Saving of private rights.

Proviso.

Appraisal of private damages.

(2546.) SEC. 15. Whenever any portion of any public highway shall be granted to the use of a plank road company, as aforesaid, any person who shall claim damages by reason of the granting such highway to such use, as aforesaid, may have such damages appraised within the same time and in like manner as is prescribed by law for the appraisal of damages on the altering and laying out of public highways: *Provided*, That the same notice shall be given to one of the board of directors as is required to be given to the highway commissioners; and if any damages be awarded or appraised, the person in whose favor the same is awarded may bring an action of assumpsit for the recovery of the same against the company, and if in any such action the court shall be of opinion that such person had any legal ground to claim damages against such company, such person shall be then entitled to a judgment for the amount of damages so awarded and legal costs of suit.

Proviso.

Width of road, grade, and other description.

(2547.) SEC. 16. Every plank road made shall be laid out at least two and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth, and permanent road; eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in ten feet, and which roadway shall be constructed so as to permit carriages and other vehicles conveniently and easily to pass each other, and also as to permit carriages readily and easily to pass on and off where such road is intersected by other roads; and no

obstruction shall be suffered unnecessarily to remain upon such plank road at any such intersection.

(2548.) SEC. 17. Whenever any such company shall have completed their road, or any five consecutive miles thereof,¹ the directors thereof may erect toll-gates and exact tolls from persons traveling on their road, for so much as may be completed, at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn, and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider, or led horse, one cent a mile. Such toll-gates, so to be erected by such company, may be as many in number and located at such points as such company may deem necessary: *Provided* ^{When and where gates may be erected.} *however*, That any person using such road may, upon the payment ^{Rates of toll. 4 Mich. 87.} of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll-gatherer through whose gate he is last entitled to pass: *Provided*, That if any person shall forcibly ^{7 Barbour, 626.} and illegally pass any of the gates provided by this act, he shall ^{Penalty for illegally passing gates.} forfeit and pay to the said company a sum not exceeding twenty-five dollars for each and every such offense, to be recovered for the benefit of said company before any justice of the peace of the county in which such gate is situated: *And provided*, That no farmer ^{Farmers exempt from toll in certain cases.} shall be required to pay any toll for the use of said road by himself or persons in his employ, engaged in the business of the farm, in passing from one part of the farm to another with his team or other stock.

(2549.) SEC. 18. Each and every plank road company shall pay to the Treasurer of the State of Michigan an annual tax at the rate of five per cent on the net profits of said company for the year preceding the day on which the report in the ninth section of this act mentioned shall be made, which tax shall be paid on the first Tuesday of July in each year, and shall be estimated upon the last preceding report of said company and said State tax shall be in lieu of all other taxes upon the property of said company.² ^{Annual State tax; when to be paid, and how estimated.}

¹ See section 5 of the act of February 12, 1855, following.

² As amended by act 44 of 1908, p. 67, section 8. See note to section 8.

SEC. 19.¹SEC. 20.²

Exemption from
toll.

(2550.) SEC. 21. Persons going to and returning from military parades which by law they are required to attend; and persons going to and returning from funerals, shall be exempt from the payment of any toll to any plank road company for such use of their road.

Time for re-
ceiving subscrip-
tions to capital
stock extended.

(2551.) SEC. 22. If the entire capital stock of such company shall not be subscribed at the time first provided by this act, the board of directors of any such company may at any time receive subscriptions to such capital stock until the whole amount of the capital stock allowed by its charter shall be subscribed.⁴

Duties of di-
rectors to keep
road in repair.

(2552.) SEC. 23. The board of directors of any such company shall have at all times, after the erection of any toll-gate or gates upon any plank road and the exaction of toll thereat, keep such portions of the road in good repairs, and in case of any dilapidation of the superstruction, or the breaking or removal of any plank or other portion of the surface of said road, as to endanger the safe passage of any team, animals, or vehicles, it shall be the duty of said board of directors, without unnecessary delay, to make such repairs as shall restore said road to its proper condition; and in case said board of directors shall fail to comply with the provisions of this section, they shall for every such neglect or refusal be liable to a forfeiture of ten dollars, to be recovered in action of debt by any person aggrieved or injured: *Provided*, That in all cases one of said board of directors shall first have been notified of any such defect, and the necessary time for its repairs shall have fully elapsed after such notice, and before the commencement of any such suit.

Forfeiture for
neglect.

Proviso.

Other forfeitures

(2553.) SEC. 24. Every plank road company hereafter incorporated shall at all times permit any person with any team, animal, or otherwise, paying toll as aforesaid, to travel upon the road and through the gates of such company without unnecessary hindrance or delay; and for every offense against the provisions of this section by said company or any agent or person in its employ, said company shall forfeit and pay a penalty not less than five nor more than fifty dollars, to be recovered by the party aggrieved before any court having jurisdiction thereof.⁴

¹ Repealed by Act 122 of 1855, p. 272, section 5.

² Repealed by Act 44 of 1858, p. 67, section 4.

³ As amended by "An act to amend section twenty-two of 'An act relative to plank roads,' approved March thirteenth, eighteen hundred and forty-eight, in reference to subscriptions of stock," approved April 4, 1851. Laws of 1851, p. 113.

⁴ Added by act 99 of 1848, p. 110.

(2554.) SEC. 25. Each toll-gatherer of any such company may detain and prevent from passing through his gate, any person or persons riding or leading or driving one or more animals or vehicles subject to toll, until such person or persons shall pay the lawful toll authorized by law to be demanded at such gate.¹ Power of toll-gatherer.

(2555.) SEC. 26. If any person shall willfully or maliciously obstruct, break, injure, or destroy the plank road of any such company, or shall willfully or maliciously injure or destroy any building, bridge, culvert, toll-gate, or other work or fixture of any such company, such person shall be punished by imprisonment in the State Prison not exceeding three years, or by fine not exceeding five hundred dollars and by imprisonment in the county jail not exceeding one year. Penalty for obstructions, etc.

(2556.) SEC. 27. Every person who, with one or more animals or vehicles subject to toll, shall travel on the road of any such company between the toll-gates, and shall not pass through any gate of any such company, shall be liable to pay any such company, on demand, the regular toll at the rate per mile established by the charter of any such company, for the distance actually so traveled: *Provided*, That this section shall not apply to any person for any such travel as is exempted from toll. Liability in certain cases. Proviso.

(2557.) SEC. 28. Every person who, to avoid the payment of legal toll on said road, shall, with his vehicle or animal, or vehicles and animals, subject to tolls, turn off from such road, or pass any gate thereon, on any ground adjacent thereto, and enter again on such road, shall forfeit and pay any such company, for each offense, the penalty of ten dollars, and costs of suit for the recovery of the same. Ibid.

(2558.) SEC. 29. All penalties and forfeitures given by the charter of any such company, may be sued for and recovered by any such company in its own name, in an action of debt or assumpsit, in any court of competent jurisdiction, or before any justice of the peace in the county where such offense was committed; and on the first Monday in January in each year, the treasurer of any such company shall render, under oath, to the treasurer of the proper county, an account of all moneys collected during the preceding year by any such company, for any penalty or forfeiture accruing within said county, and shall pay over to said county treasurer one-half of the amount so collected for the use of the Penalties and forfeitures; how recovered. Duty of treasurer of company

¹ Section 25 to 30, inclusive, added by Act 44 of 1858, pp. 65 and 69, in force from February 9, 1858.

county, and return the other half for the use and benefit of the company.

Company subject to certain provisions.

(2559.) SEC. 30. Any plank road company, organized under the provisions of this act, shall be subject to the provisions of all amendments made or to be made thereto, whenever the assent of any such company, certified by the president and secretary thereof, to the provisions of such amendments, shall be filed in the office of the Secretary of State.

SEC. 24. This act shall take effect and be in force from and after its passage.

An Act to amend an act entitled "An act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and an act amendatory thereto, approved February 9, 1853, and to add two new sections thereto.

[Approved February 12, 1855. Laws of 1855, p. 236.]

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act relative to plank roads," approved March thirteenth, one thousand eight hundred and forty-eight, and an act amendatory thereto, approved February ninth, one thousand eight hundred and fifty-three, be amended by adding thereto two new sections, to stand as sections thirty-first and thirty-second:

Road may be constructed of gravel or stone, instead of plank.

(2560.) SEC. 31. All companies that have been or may be hereafter organized, subject to the provisions of this act, instead of the eight feet in width of plank road required by section sixteen of this act, may construct all or any portion of said road, of gravel, instead of plank, and may substitute gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than ten inches deep, which shall be properly screened: *And provided*, Said companies shall be subject to all the provisions and penalties in regard to keeping said gravel road in repair, as are provided for in said act in relation to plank roads.¹

Specifications.

Proviso.

SEC. 2. This act shall take effect immediately.

¹ This is the whole of the act, though by its title it purports to add two new sections to the Law of 1848. And see the act next following.

An Act to amend an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the act amendatory thereto, approved February ninth, eighteen hundred and fifty-five.¹

[Approved February 17, 1857. *Laws of 1857, p. 465.*]

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, which was added by an act amendatory thereto, approved February ninth, eighteen hundred and fifty-five, be so amended that the said section read as follows:

(2561.) SEC. 31. All companies that have been or may be here- Companies may after organized, subject to the provisions of this act, instead of construct of eight feet in width of plank road required by section sixteen of gravel instead of plank. 9 Mich. 285. this act, may construct all or any portion of said road of gravel instead of plank, and may substitute gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than seven inches in depth: *And provided*, Said companies shall be subject to all the Proviso. provisions and penalties in regard to keeping said gravel road in repair, as are provided for in said act in relation to plank roads. Proviso.

SEC. 2. This act shall take immediate effect.

An Act to provide for the formation of companies to construct plank roads.

[Approved April 8, 1851. *Laws of 1851, p. 211.*]

(2562.) SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may be formed Corporations into a corporation for the purpose of constructing and owning a how formed. plank road, by complying with the following requirements: Notice shall be given in at least one newspaper printed in each county through which said road is intended to be constructed, of the time and place or places where books for subscribing to the stock of such road will be opened. If there be no newspaper printed in the county, then such notice shall be printed in a newspaper in the city of Detroit; and when stock to the amount of at least two hundred dollars per mile of the road so intended to be built shall be in good faith subscribed, and five per cent paid thereon, as hereinafter

¹ See the act of February 12, 1855, which is the act intended to be amended by this act.

Articles of association.

required, then the said subscribers may, upon due and proper notice, elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the company; the number of years the same is to be continued, which shall not exceed fifty years from the date of said articles; the amount of the capital stock of said company, the number of shares of which said stock shall consist; the number of directors and their names, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the place from, and to which the proposed road is to be constructed, and each town, city, and village into or through which it is intended to pass; and its length, as near as may be.

Articles of association to be filed with Secretary of State.

(2563.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him in such company. The said articles of association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State; and thereupon, the persons who have so subscribed, and all persons who shall, from time to time, become stockholders in such company, shall be a body corporate, by the name specified in such articles; and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant, or otherwise, and holding any lands, tenements and hereditaments necessary to be used in the construction, repair, and preservation of such road, and the erection of toll-gates and houses thereon, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions, contained in chapter fifty-five of the Revised Statutes of eighteen hundred and forty-six, entitled "General Provisions relating to corporations," as far as the same shall be applicable and not inconsistent with the provisions of this act; and in addition to the powers in this act otherwise granted to companies organized or formed under this act, any such company shall have the following powers under the conditions herein prescribed:

General powers and liabilities of corporation.

Chapter 78.

General powers and liabilities of corporation.

First. For the purpose of providing means for the construction and completion of any plank road authorized to be built by any such company, and its building and equipments, any such company may issue its corporate bonds or obligations, not exceeding

in the aggregate one-half of the capital stock of such company, in such form as it may deem proper, payable at such time and places in this State, upon such terms, and with such rates of interest (not exceeding ten per cent per annum) as the board of directors of such company may determine, with the approval of the owners of a majority of the stock of such company: *Provided*, No such Proviso. bond or obligation shall be issued for a less sum than one hundred dollars;

Second. Any such company may sell, dispose, or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices, and on such terms as such company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of, or negotiated at a discount, such sale, disposal, or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of, or negotiated at their par value; and such bonds or obligations shall be valid and binding, as a security for the whole sum, payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated, at their par value: *Provided*, That none of such Proviso. bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company;

Third. For all or any of the purposes aforesaid, any such company may create and issue shares of guarantied stock, to be denominated "Construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law; which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences or priority over the remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of such company: *Provided*, That Proviso. no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been

published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published, and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit.¹

Five per cent of stock to be paid before articles filed.

(2564.) SEC. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent on the amount of the stock subscribed thereto shall have been actually and in good faith paid to the directors named in such articles, nor until there is indorsed thereon or annexed thereto an affidavit, made by at least three of the directors named in such articles, that the amount of the capital stock required by the first section of this chapter has been subscribed, and that five per cent on the amount has been actually paid in; and no stockholder shall be entitled to vote for directors of any company of which he may be a member, or for any other purpose, unless all assessments due on his stock shall be paid before such election.

Affidavit to articles.

Stockholders not to vote while assessments unpaid.

Copy of articles and affidavit made evidence.

(2565.) SEC. 4. A copy of any articles of association filed in pursuance of this chapter, with a copy of the affidavit aforesaid indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy, and of the whole of such articles of association, and of the affidavit indorsed thereon or affixed thereto, shall be, in all courts and places, presumptive evidence of the incorporation of such company and of the facts therein stated.

20 Barb., S. C. R. 166.

Board of directors, and their election.

(2566.) SEC. 5. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who after the first year, shall be elected annually, at such time and place as shall be directed by the by-laws of such corporation; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws of such company. The election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock; and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their

How vacancies filled.

¹As amended by "An act to amend sections two, twenty-seven, thirty-nine, and forty of an act entitled 'An act to provide for the formation of companies to construct plank roads,' approved April 8, 1851," approved February 12, 1858, took effect May 16, 1858. Laws of 1858, p. 80.

term by the remaining directors. The directors shall hold their offices for one year and until others are elected in their places; and no person shall be a director unless he is a stockholder in the company.

(2567.) SEC. 6. In case it shall happen that an election for directors shall not be held on the days fixed for such election by the by-laws of such company, such corporation shall not for that reason be dissolved; but it shall be lawful on any other day to hold an election for directors, as shall be provided in the said by-laws; or if there be no such provisions, then on some early day, to be appointed by the directors then in office; and in all such cases, the same notice of the time and place of holding the election shall be given as is provided in the preceding section; and all acts of the directors shall be binding as against such corporation.

Proceedings
when regular
election not held

(2568.) SEC. 7. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Board; how
formed.

(2569.) SEC. 8. The directors, at their first meeting after their election, shall choose, by ballot, one of their number as president, and one as treasurer, and they shall supply a vacancy in the office of president or treasurer whenever the same shall occur.

President and
treasurer.

(2570.) SEC. 9. The president and directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the transfer of stock, and the management and control of the property, business, and affairs of such corporation as they may deem proper, not inconsistent with the Constitution and laws of the United States or of this State; and shall have power to appoint and employ officers, clerks, agents, and servants, for conducting and carrying on the business of such corporations, and determine their duties and the salaries and wages to be paid to them.

By-laws.

(2571.) SEC. 10. It shall be lawful for such company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of such road, doing thereto no unnecessary damage, and paying any damage which may accrue; nor shall such company locate any such road through any orchard or garden without the consent of the owner thereof, nor through any buildings, or any fixtures or erections for the purpose of trade or manufacture, or any yard or enclosures necessary for the use or enjoyment thereof, without permission from the owner or owners; and when the said route shall be determined by the said company, it shall be lawful for them, their officers, agents, engineers, contractors, and servants, to enter upon, take possession

May enter upon
lands to survey
and locate route.

Where not to
locate without
consent of owner

When may take
possession of
lands.

of, and use such lands to the width of four rods, as said company may have purchased or obtained from the owners and occupants the right to use ; and also to enter upon, take, and use any other lands which may be necessary for the purpose of constructing and maintaining thereon such road, toll-houses, gates, fixtures, and appurtenances ; the necessity for taking such land, and the damages to be paid therefor, being first ascertained, and such damages paid, as hereinafter provided.

Not to hold
lands except for
use of road.

(2572.) SEC. 11. The said corporation shall not, in their corporate capacity, hold, purchase, or deal in any lands within this State, other than the lands on which their road shall run, or which may be actually necessary for the construction or maintenance thereof, and of the gates, toll-houses, and other fixtures connected therewith.

May take or
purchase lands
for road.

(2573.) SEC. 12. Such company so formed may procure, by purchase or gift from the owners thereof, any lands necessary for the construction of such road, or for the erection of gates, toll-houses, and other fixtures, or may obtain from the owner or occupants the right to use the same for the purposes aforesaid, on such terms as they may agree upon in writing.

How damages
appraised when
compensation
not agreed upon.

(2574.) SEC. 13. Whenever said company shall desire to enter upon and occupy for the purpose of making said road, any lands, the owner of which shall refuse to permit such entry or occupation, and such company cannot agree with such owner upon the compensation and damages to be paid for the use of such lands, it shall be lawful for the parties to appoint three disinterested persons, residents of the county, to estimate and appraise such compensation and damages. Every such appraisement shall be reduced to writing, and signed by the appraisers, or a majority of them, and a duplicate copy thereof shall be furnished to each of the parties. The expense of such appraisement shall be paid by said company.

Proceedings
when parties
cannot agree.

(2575.) SEC. 14. Whenever such company shall be unable to agree with the owner or occupant of said lands whereon to construct such road, fixtures, and appurtenances, or if they cannot agree upon appraisers as aforesaid, or if said appraisers so agreed upon shall fail to make their award within the stipulated time, or if the owner or occupant of any such lands shall be a married woman, minor, insane person, an idiot, or a non-resident of this State, having no known agent with power to sell, the directors of such company may apply by petition to any court of record within any county through any part of which the route of said road may run, at any session thereof legally held, for the appointment of three commissioners to ascertain and determine whether it be

Commissioners
to be appointed
by court.

necessary to the public interest to take such lands for the proposed road, and if so, to ascertain and determine the amount of damages therefor. Such petition shall briefly describe the route of said road, and shall state that such company have been unable to agree with certain owners or occupants of certain lands through which said road is to run, as to the necessity of taking such lands for the purposes of such road, or as to the amount of damages to be allowed therefor; but it shall not be necessary in such petition to describe particularly the lands nor the names of the owners, and if it shall appear to the court that previous public notice of such application has been published for three successive weeks in a newspaper published in said county, or if none in the county, then in the paper published nearest thereto, then such court shall forthwith, or as soon as the business of such court will permit, proceed to hear and decide upon such application, and may hear any reason which they deem valid for or against the appointment of such commissioners, or of any commissioner which said court may name, and may hear any evidence applicable thereto; and if such court shall determine to appoint such commissioners, such court shall appoint three disinterested freeholders of said county, none of whom shall be residents of or owners of real estate in any township through which any part of such road shall run; and if it shall not be made to appear to such court that notice of such application shall have been given as aforesaid, the hearing shall be adjourned either to the next term thereof or to such other day as shall be deemed proper that such notice may be given, after which such court shall proceed with the hearing and appoint commissioners as aforesaid.

Petition therefor

(2576.) SEC. 15. Before such commissioners shall enter upon the duties of their office, they shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform their duties as such commissioners; which oath shall be in writing, and shall be returned into such court with the report of their proceedings, and shall thereupon, at the request of the directors of such company, and at their expense, give notice of the time when they will proceed to examine the route of said road, or any part thereof, stating what part, to determine the necessity of taking the lands of any person or persons, and to ascertain and determine the damages therefor; which notice shall be published in a newspaper published in such county, or if none in the county, then in the paper published nearest thereto, for three successive weeks before the time appointed for making such examination and determination; and, at or before the time appointed in such notice,

Commissioners
to be sworn.

Notice to owners

Duties of commissioners to examine route, hear testimony, and appraise damages.

the directors of such company shall furnish to the said commissioners a map and description, by reference thereto, of all the lands, the necessity for taking which and the damages for which, they may wish said commissioners to determine on such examination, together with the names and residence of the owners thereof, or persons interested therein, as far as the same can be ascertained; and if it shall appear to said commissioners that notice in writing has been given by said company, or any officer or agent thereof, to each of the owners or persons interested therein, residents of the said county, of the said examination, and the objects thereof, by delivering the same to such persons, or leaving the same with some member of his family at his place of residence, ten days previous to the time of the examination, they shall proceed to examine so much of the route of such road within their county as shall have been mentioned in the notice published by them, and shall hear any reason that may be deemed pertinent, which may be urged for or against the necessity of constructing such road, or the necessity of taking therefor any lands of any person through which the same may pass; and they may take any testimony having a bearing upon the question of such necessity, and in respect to the amount of damages to be allowed to any person or persons for the taking of any such lands for the purposes aforesaid; and each of said commissioners is hereby authorized to administer all necessary oaths to witnesses, or in the taking of any affidavits touching any matter before them, and may issue subpoenas for witnesses with the same effect as courts of law; and all witnesses shall be liable to the same penalties for disobedience as for the like disobedience to subpoenas issued by a court of law, and may be fined or committed by such commissioners for contempt, as in courts of law; and such examination may be continued as long as may be necessary, or adjourned, as to them shall seem just, not, however, to exceed ten days at any one time, without the consent of both parties; and if the said commissioners shall ascertain and determine that such road is not necessary to the public interest, or that no lands of any individual are necessary to be taken for any part of the said road, fixtures, or appurtenances, they shall so certify in writing to the court by which they were appointed; and said company shall not be allowed to take any such lands of individuals unless by agreement with the owners or occupants thereof; but if said commissioners shall determine that it is necessary to the public interest to take any such lands for the purposes aforesaid, they shall proceed to ascertain, appraise, and determine the amount of damages

to the respective owners and occupants of such lands in consequence of the taking of such lands for the purposes aforesaid, describing with convenient certainty each separate parcel, with the amount of lands to be taken by said company from each parcel, and the name and residence of each owner, as far as the same is known. They shall keep full minutes of their proceedings, with the substance of the evidence taken before them, and all the affidavits which shall be used before them; and they, or a majority of them, shall make and sign a report of all their doings aforesaid, accompanied by all proper exhibits, and a map, with references thereto, and shall, in such report, state the several amounts of damages which shall have been allowed by them to each owner and occupant, in respect to each separate parcel upon which an appraisal shall have been made, stating separately the sums allowed to parties unknown, the lands for which such damages are allowed, and also all the lands claimed by said company to have been necessary to be taken, and which such commissioners shall have decided to be unnecessary, and shall file the said report with the clerk of the court by which they were appointed, within twenty days after completing such appraisal. The decision of a majority of such commissioners shall be valid, but all shall take part in the hearing. Such decision shall be final and conclusive upon all such persons who shall not, within fifteen days after the filing of such report, make and file with the clerk of such court a motion to set aside said report, so far as it respects the lands in which such person is interested, and serve a copy thereof upon one of the directors of such company, if to be found in the county, and if such directors cannot be found in the county, then such filing shall be sufficient notice to the company.

Report to be
filed with clerk
of court.

Motion to set
aside report.

(2577.) SEC. 16. Said motion shall be heard at the next session of such court, unless for good cause shown the hearing shall be continued; and on such hearing either party may introduce testimony in addition to that returned by the commissioners; and said court may confirm or annul the decisions of such commissioners upon the matter in question, or may order a re-appraisal of such particular pieces or parcels, and fix the time therefor. In making such re-appraisal, the commissioners shall proceed as hereinbefore directed, as near as may be; and their report thereof shall be made as aforesaid, in respect to the particular lands in question; and such report shall be confirmed or annulled by said court, as above provided in respect to the first report; and such court may order

When motion to
be heard, and
how.

Re-appraisal.

a re-appraisal as often as they may deem necessary, till the same shall be confirmed by said court.

Commissioners
to act in all
cases arising in
the county.

(2578.) SEC. 17. Said commissioners shall, at any time thereafter, at the request of the directors of such company, and subject to the provisions above contained, proceed to ascertain and determine the necessity of taking the lands of any person or persons, and the amount of damages therefor, on any other portion of such road within such county, upon which such damages have not been ascertained; and they shall continue to be the commissioners for that purpose in respect to said road, until all such questions in reference thereto, in such county, shall have been ascertained, unless the court by which they were appointed shall, on cause shown, remove them; in which case, and in case of the death or continual absence from the State of any of them, such court shall appoint another or others to fill such vacancy.

Like proceed-
ings in other
counties.

(2579.) SEC. 18. If the route of such road shall run through or into more than one county, the like proceedings may be had in each of the counties through which any portion of the route may run.

Fees of com-
missioners,
witnesses, and
officers.

(2580.) SEC. 19. Such commissioners shall be entitled to receive two dollars per day for the time actually spent by them in the performance of their duties, to be paid by said company; and the person appointed to attend to the interest of incompetent or absent parties, as provided in section twenty-one of this act, shall also be paid by said company the like compensation. The fees of witnesses and officers for the service of subpoenas shall be the same as is or may be provided in respect to witnesses in courts of justices of the peace; and if it shall be made to appear to the said commissioners that said company, six days previous to any such examination in respect to damages, shall have offered in writing, and tendered to any claimant of damages, as large a sum for such damages as shall be allowed by them, then all witness fees, with the cost of proceedings, their attendance, the fees of such commissioners, and of the persons by them appointed under section twenty-one of this act shall be paid by such claimants; and said company may sue for and recover any part of such costs or fees which they may have paid or become liable to pay, or the same may be offset by said company against any damages which may have been allowed to such person.

Who to pay
costs.

Appraisal of
land of married
women, minors,
etc.

(2581.) SEC. 21. If any person interested in lands or damages to be appraised by such commissioners shall be a married woman, a minor, an idiot, an insane person, a non-resident of this State, or unknown, and there shall be no one duly authorized by law to act

instead of any such person, the said commissioners shall appoint, by an order in writing to be made and signed by them, some competent and suitable person who will consent to act (such consent shall be made in writing, signed by such person), to take care of the interest of such interested person, in respect to the proceeding to ascertain such damages; and all such notices as are required to be served on any owner or interested person residing in such county, shall be served upon the person so appointed, in like manner and with like effect as if served upon the owner or person interested; but any person so appointed to take care of the interests of any such non-resident or unknown owner, may be superseded by him or any person by him duly appointed.

(2582.) SEC. 22. In all cases of the appraisal of lands authorized ^{ibid.} by this act, or of damages, and every proceeding in relation thereto, in which the appointment of a person shall have been made in accordance with the provisions of the preceding section, the person so appointed shall be regarded and treated in all respects as a party representing the interests of the person or persons owning or interested in the lands or damages to be appraised; and all proceedings in such cases shall be effectual and conclusive upon the party represented by the person so appointed.

(2583.) SEC. 23. On application of any party interested, any judge or justice of the peace may issue a subpoena requiring witnesses to attend before such commissioners; and such subpoena shall have the same force and effect, and the witnesses duly subpoenaed by virtue thereof, and refusing or neglecting to obey the same, shall be subject to the same penalties and liabilities, as if such subpoenas were issued from a court of record in a suit pending therein. ^{Subpoenas for witnesses.}

(2584.) SEC. 24. Such company shall not be entitled to enter upon and take (unless by agreement with the owners or occupants) any lands for the use of their road, the damages for which have been ascertained and determined by appraisal, as is provided in this act, until such company shall have paid or legally tendered the amount of such damages to the person or persons entitled to receive the same, except in the cases provided in the next section (section twenty-five) of this act; and if such payment or tender shall not be made within thirty days after the appraisal has been finally determined and fixed, either by the award of persons agreed upon for making such appraisal, or by confirmation of the report of commissioners, or a neglect to move to set aside the report as above provided, then said company shall pay interest on such damages from ^{Damages must be tendered before using lands.} ^{When company to pay interest on damages.}

the time such damages became determined and fixed as aforesaid, and after the payment or tender of such damages as in this section provided, or after complying with the provisions of the succeeding section of this act, the said company may enter upon and take the lands in respect to which such appraisal has been made to the said company, its successors and assigns, for the construction and maintenance of the said road, its fixtures and appurtenances.

Damages, how
paid in case of
non-resident
owner.

(2585.) SEC. 25. If any person entitled to receive the amount of any such award be not a resident of this State, or cannot be found therein, the company may furnish to the court by whom such commissioners were appointed, or the judge thereof in vacation, satisfactory proof of such fact; and such court, or the judge thereof, shall thereupon make an order that the amount of such award shall be paid to the treasurer of the county in which the lands lie, in respect to which such award was made, for the use of such owner; and that notice of such payment be given by publishing the same once in each week, for six successive weeks, in a newspaper published in the county, if there be one published there; if not, then such publication shall be made in a newspaper published in the city of Detroit. On satisfactory proof being made to the said court or judge, within three months from the time of making the last mentioned order, or such payment and publication, said court or judge shall make an order authorizing the company to take and hold the land in respect to which such award was made, which shall have the same effect as if such payment had been made to the owner personally. The affidavits and orders mentioned in this section, shall be filed in the office of the clerk of the court by which such commissioners were appointed, and such clerk shall file and preserve the same in his office.

How to obtain
use of street.

(2586.) SEC. 26. Whenever such company may wish to use any part of a street in any city or village for the construction of their plank road over the same, such company shall apply to the common council of any incorporated city or village, or the president and trustees of any incorporated village, or the township board where the village is unincorporated, as the case may be, in which said street is situated, for the right to construct their plank road thereon; and it shall be the duty of such common council of any incorporated city or village, or president and trustees of any incorporated village, as the case may be, to examine, at the expense of such company, so much of any such street as may be wanted as aforesaid by such company; and if, in the opinion of a majority of such common council of any incorporated city or village, or presi-

dent and trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such company, said common council of any incorporated city or village, or president and trustees of any incorporated village, may, in writing, signed by them, grant to such company a right to enter upon, take, and use such highway or street, for the purpose of constructing, maintaining, and using a plank road thereon; and upon filing such grant in writing in the office of the register of deeds of the proper county, the said company may forthwith enter upon, take, and use such street according to the said grant for the construction, maintenance, and use of their plank road. The said common council, and said president and trustees, shall expend in improving the streets of the city or village the amount received by them from such company for the use of said street.

(2587.) SEC. 27. Any plank road company which shall be organized under this act is hereby authorized to enter upon, take, and use any public highway on the route of said plank road, and to construct thereon, or any part thereof, their plank road, with all necessary fixtures and appurtenances: *Provided*, The consent of the supervisors, highway commissioners, or commissioners and township clerk, or a majority of them in each town through which such road passes, or, instead thereof, the consent of a majority of the freeholders residing on that part of the highway so to be taken, shall be first obtained; and such company, during the construction of such plank road, shall in no wise unnecessarily obstruct or prevent travel on such highway.¹

May use highway by consent of certain township officers.

Proviso.

(2588.) SEC. 28. Every plank road made by virtue of this act shall be laid out at least two and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth, and permanent road, eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in ten feet; and which roadway shall be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other, and also to permit carriages readily and easily to pass on and off such road where it is intersected by other roads; and no obstruction shall be suffered unnecessarily to remain upon such plank road at such intersection.²

Width of road.
10 Mich. 400.

Grade.

Road so constructed as to permit carriages to pass.

(2589.) SEC. 29. Whenever any plank road company shall have completed their road, or any five consecutive miles thereof, the

Rates of toll.

¹ As amended by Act 57, of 1833, p. 52. See note to section 8.

² As amended by Act 76 of the Laws of 1859, p. 154, approved February 7, 1859.

7 Barbour, 626.

said company may erect toll-gates and demand and receive toll from persons traveling on their road for so much as may be completed consecutively, at a rate not exceeding two cents per mile for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn; and if drawn by more than two animals, three-quarters of a cent per mile for every additional animal; for any vehicle, sled, sleigh, or carriage drawn by one animal, one cent per mile; for every score of sheep or swine, half of one cent per mile; for every score of neat cattle, two cents per mile; for every horse and rider, or led horse, one cent per mile. Such toll-gates, to be erected by such company, may be as many in number, and located at such points, as such company may deem necessary. Any person using such road may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket, or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll-gatherer through whose gate he is last entitled to pass.

Exemptions
from toll.

(2590.) SEC. 30. No tolls shall be collected at any gate of any company incorporated under this act from any person passing to or from public worship on the Sabbath, or to or from a funeral, or farmers going to and from their work on their farms; and any person who shall make a false representation to any gate-keeper for the purpose of passing said gate without toll, under the exemption in this section provided, and shall thereby induce said gate-keeper to let him pass such gate with an animal or vehicle, without the payment of toll, shall be liable to pay to such company ten times the amount of toll for which such person would otherwise have been chargeable.

Application to
circuit court to
change location
of gate.

(2591.) SEC. 31. The supervisor of any township, the mayor of any incorporated city, and the president of any incorporated village in which a toll-gate may be located on any such road, whenever he shall be of opinion that the location of such gate is unjust to the public interest, by reason of the proximity of diverging roads, or for other reasons, may, on at least fifteen days' written notice to the president or secretary of said company, apply to the circuit court of the county in which such gate is located, for an order to alter or change the location of the said gate. The court, on such application, and on hearing the respective parties, and on viewing the premises, if the said court shall deem such view necessary, shall make such order in the matter as to the said court may

seem just and proper. Such order shall be observed by the respective parties, and may be enforced by attachment or otherwise, as said court shall direct; and the decision of said court shall be final in the matter; and said court may direct the payment of costs in the premises, as shall be deemed just and equitable.

(2592.) SEC. 32. The directors of any company incorporated under this act, may require payment of the sums subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall see fit, under the penalty of the forfeiture of the stock and all previous payments thereon, if payment shall not be made by the stockholders within sixty days after a personal notice, or notice requiring such payment shall have been published for six successive weeks in a newspaper published in every county in which any part of said road is situated, if any so published; and they shall give notice of the payments thus required, and of the place and time where and when the same are to be made, at least thirty days previous to the payment of the same, in one newspaper printed in each county in or through which the said road is located, or by sending such notice to each stockholder by mail, directed to him at his usual place of residence. Payments and forfeiture of stock. 8 Mich. Rep. 91.

(2593.) SEC. 33. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company. The directors of any such company may at any time receive subscriptions to stock in said company, till the whole amount of the stock mentioned in their articles of association shall be subscribed, and, with the consent of a majority in amount of stock of the stockholders in such company, provide for such increase of the capital stock of such company as may be necessary to finish the making of a road actually commenced and partly constructed. Shares deemed personal property. Increase of capital.

(2594.) SEC. 34. Within thirty days after the formation of any company under this act, the directors thereof shall designate some place within a county in which their road or some part thereof is to be constructed, as the office of such company, and shall give public notice thereof, by publishing in some newspaper published in such county, if there be one; if not, then in a newspaper published in the city of Detroit; which publication shall be continued once in each week for three successive weeks; and shall file a copy of such notice in the office of the register of deeds of every county in which any part of such road is constructed, or intended to be constructed; and if the place of such office shall be changed, like notice of such change shall be published and filed as aforesaid, Notice of location of office to be given.

before it shall take place; in which notice the time of making the change shall be specified; and every summons, notice, declaration, other paper or process required by law to be served, by leaving the same at such office, with any person having charge thereof, at any time, except Sunday and the fourth day of July.

List of stockholders to be kept in book and exhibited.

(2595.) SEC. 35. It shall be the duty of the directors of any such company to cause a book to be kept by the secretary, treasurer, or clerk thereof, containing the names of all persons, alphabetically arranged, who are or shall have been within six years stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the holders of such shares, and every transfer of such stock, and the amount of stock actually paid in; which book shall, during business hours, be open for the inspection of all persons who may desire to examine the same, at the office of such company; and any and every person shall have the right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this act, until it shall have been entered therein, as required by this section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of such company who shall neglect to make any such proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such a book open for inspection as aforesaid, shall pay and forfeit the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people of the State by the prosecuting attorney of the county in which the office of said company is located; and when so recovered, the amount shall be paid in equal portions to every county through which the road of such company is constructed.

Penalty for neglect to keep book and make proper entries.

Individual liability of stockholders.
6 Mich. 441.

(2596.) SEC. 36. The stockholders of every company incorporated under this act, shall be jointly and severally liable in their individual capacity for all labor performed for such company; and shall

also be liable for the payment of the debts of such company for an amount equal to the amount of stock they have severally subscribed or held in said company, to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder.

(2597.) SEC. 37. If the directors of any company formed under this act shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted while they shall respectively continue stockholders or in office. If any certificate or report made, or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be knowingly false in any material representation, all the officers who shall have signed the same, knowing or having reason to believe the same to be false, shall be jointly and severally liable for all the debts of the company then existing, or which shall be contracted while they are officers thereof or stockholders therein; but if any of the directors shall object to the declaring of any such dividend as is mentioned in this section, or to the payment thereof, and shall at any time before the time fixed for such payment file a certificate of such objection with the secretary of the company and in the office of the clerk of the county in which the business office of such company is located, the director so objecting shall be exempt from such liability, as above provided.

Officers made individually liable in certain cases.

(2598.) SEC. 38. But no suit shall be brought against any individual stockholder or stockholders for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved; and any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interest, costs, and expenses; and any such stockholder, who may have paid as aforesaid, shall have a right to bring an action against and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against

Judgment to be obtained against company before suit brought against stockholders. 6 Mich. 441.

Proviso. more than one stockholder, the judgment and the execution thereon shall specify the amount to be recovered and collected from each defendant: *Provided*, That no action for contribution shall be maintained by any officer of such company for any amount he may have been compelled to pay in consequence of any false certificate, report, or notice made or signed by him as aforesaid.

Directors to report to Auditor General.

(2599.) SEC. 39. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to render a report to the Auditor General, verified by the oath of any two of such directors, setting forth the length of road completed, the cost of constructing their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much of the same is paid in, and how much expended, the whole amount of earnings, and how much expended on said road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual net profits of said company for the preceding year.¹

Profits under ten per cent exempt.

Profits above ten per cent may be taxed.

(2600.) SEC. 40. The first net profits of every plank road company formed under this act, to the amount of ten per cent of the capital invested by the company in said road, shall be exempt from taxation. But every such company shall pay to the Treasurer of the State of Michigan an annual tax at the rate of five per cent on the net profits of said company, over and above ten per cent aforesaid, for the year preceding the day on which the report in the ninth section of this act mentioned shall be made, which tax shall be paid on the first Tuesday of January in each year, and shall be estimated on the last preceding report of said company; and said State tax shall be in lieu of all other taxes upon the property of said company.¹

Penalty for overcharges.

(2601.) SEC. 41. Every toll-gatherer at any such gate, who shall unreasonably hinder or delay any traveler or passenger, or shall demand or receive from any person more toll than by law he is authorized to collect, shall, for each offense, forfeit the sum of five dollars to the party aggrieved, and shall be liable to the party aggrieved for all damages.

Collection of penalty.

(2602.) SEC. 42. Whenever a judgment is obtained against a toll-gatherer for a penalty or for damages for acts done or omitted

¹ As amended by Act 57 of 1858, p. 88. See note p. 862.

² As amended by Act 186 of the Laws of 1859, p. 517, approved and took effect February 15, 1859.

to be done by him in his capacity of toll-gatherer, and goods and chattels of the defendant to satisfy such judgment cannot be found, it shall be paid by the corporation whose officer he shall be; and if on demand payment be refused by the corporation, the amount of such judgment, with costs, may be recovered of such corporation.

(2603.) SEC. 43. It shall be the duty of the directors of every such company to affix and keep up at or over each gate, where it can be conveniently read, a printed list of the rates of toll demanded at such gate. List of rates to be posted.

(2604.) SEC. 44. Each toll-gatherer may detain and prevent from passing through his gate, all persons riding, leading, or driving animals or carriages subject to toll, until they shall have paid respectively, the tolls authorized by law. Persons to pay before passing gate.

(2605.) SEC. 45. Any such corporation shall be liable for all damages that may be sustained by any person or persons, to themselves or property, in consequence of neglect or omission to keep such road in good condition or repair, and if such company shall continue to take toll for passing over that portion of their road which may be out of repair, so as to make the passage of teams or vehicles inconvenient or dangerous, for six days at any one time, they shall pay therefor a penalty of fifty dollars, which may be sued for and recovered by the prosecuting attorney of the county in which such portion of their road may be situated, on complaint on oath of any person, to be paid, when collected, to the treasurer of such county for the benefit of township libraries in such county; or such prosecution may be instituted by the highway commissioners of any townships in which the portion of the road so out of repair lies, upon the application of ten freeholders residing in such townships.¹ Corporation liable for damages sustained by road being out of repair.

(2606.) SEC. 46. If any person shall willfully obstruct, break, injure, or destroy any road constructed under the provisions of this act, or any work, building, fixtures, or toll-gates attached to or in use upon the same, belonging to said company, such person so offending shall, for every such offense, be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year. Penalty for taking toll when road is out of repair, and how collected.

(2607.) SEC. 47. Any person who shall forcibly or fraudulently pass any toll-gate erected on such road in pursuance of this act, Fine for fraudulently using road.

21 Barbour, 212.

¹ As amended by Act 120 of the Laws of 1871, p. 190, approved April 18, 1871.

without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall, with his carriage or horse, or other vehicle or animal subject to toll, turn out of such road or pass any gate thereon on any ground adjacent thereto, and enter again on such road, shall, for each offense, be liable to a fine not exceeding ten dollars, to be sued for and recovered by such company.

Corporation,
how dissolved.

(2608.) SEC. 48. Every company incorporated under this act shall cease to be a body corporate—

First. If, within two years from the filing of their articles of association, they shall not have commenced the construction of their road, and actually expended thereon at least ten per cent of the capital stock of such company; and,

Second. If, within ten years from such filing of the articles of association, such road shall not be completed according to the provisions of this act.¹

Affairs subject
to legislative
examination.

(2609.) SEC. 49. All companies formed under this act, shall at all times be subject to visitation and examination by the Legislature, or a committee appointed by either house thereof, or by any agent or officer, in pursuance of law; and the courts of this State shall have the same jurisdiction over such corporation and their officers as over those created by special acts.

Act subject to
amendment or
repeal.

(2610.) SEC. 50. The Legislature may at any time alter, amend, or repeal this act; but such alteration or amendment shall not operate as an alteration or amendment of the corporate rights of companies formed under it, unless especially named in the act so altering or amending this act; and the Legislature may annul or repeal any corporation formed or created under this act; but such alteration, amendment, annulling, or repealing shall not, nor shall the dissolution of any such company, take away or impair any remedy given for or against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Corporations
now organized
may form under
this act.

(2611.) SEC. 51. Any plank road company heretofore incorporated may be formed into a corporation under this act, by a vote of the stockholders, at any legal meeting thereof, by filing with the Secretary of State a certificate of the directors of such company, verified by the oath of such directors, setting forth all the matters required in this [the] certificate provided for in the first and second sections of this act, and subject to the conditions mentioned in section three of this act. Such certificate shall also set forth the amount of capital stock subscribed, the amount paid in, the amount

¹ See section 4 of the act of February 12, 1855, following.

thereof expended on its road, and the length of road constructed, if any. But no such existing corporation wishing to organize under this act, shall be required to open books of subscription to its capital stock, if, under its former act of incorporation, its stock to the amount of at least two hundred dollars per mile of its road shall have been in good faith subscribed, and five per cent paid thereon; and every such company which shall so organize under this act, shall remain liable for all the debts, contracts, and obligations, and shall preserve all the property, rights of property, and contracts to which it was liable, and to which it would have been entitled under its original act of incorporation; but in all other respects, such organization under this act shall operate as a surrender of its former act of incorporation.

(2612.) SEC. 52. All companies that have been or may hereafter be organized under the provisions of this act, and shall have built any portion of their road, or may hereafter build any portion of the same, of gravel or of stone so broken as to serve the purpose of gravel, shall be entitled to all the privileges, immunities, and franchises conferred upon companies organized under said act, the same as though said road had been constructed of plank as required in section twenty-eight of this act: *Provided*, That said gravel or stone portions of said road shall in all cases be not less than nine feet in width, and the gravel or stone of which the same shall be constructed shall not be less than seven inches in depth, and shall in all cases be of sufficient depth to make, at all seasons, a good, firm, and hard road: *And provided further*, That said companies shall be subject to all the provisions and penalties in regard to keeping said road in repair as are provided in said act in relation to plank roads.¹

Roads built of stone or gravel
Their rights.
Provided.
Provided.

An Act relative to plank road companies.

[Approved February 12, 1855. Laws of 1855, p. 272.]

(2613.) SECTION 1. *The People of the State of Michigan enact*, That in all cases where any plank road company has or may at any time hereafter become authorized or permitted to enter upon, take, or use any public highway or street, on the route of its plank road, and to construct its plank road thereon, or to use and maintain the same for a plank road, and do actually take possession of said road or street by laying down sections or portions of plank, and deliver-

Company to keep highway in repair in certain cases.

¹ As amended by Act 47 of the Laws of 1867, p. 66, approved and took effect March 18, 1867.

Forfeiture for neglect.

ing plank upon such road or street, such company shall, at all times, so far as the formation of the soil and season of the year will permit, keep in good order and condition so much of said road as it shall not have planked, until it shall have planked the same; and if any company shall neglect to keep such highway or street in such order and condition, it shall be deemed to have abandoned and forfeited the right to enter upon, take, or use such public highway or street as to so much as shall not be planked.

If plank road not kept in repair, not to take toll.
9 Mich. 235, 306.

(2614.) SEC. 2. Every plank road company shall cause to be laid down and kept closely together and in an even manner, so that the surface shall be uniform, the plank upon its road; and in case of default, it shall forfeit the right to receive any toll upon such road.

When company may collect toll.
9 Mich. 235.

(2615.) SEC. 3. Every plank road company shall have the right to receive tolls at any time after it shall have constructed two continuous miles of the road.

When company shall cease to be a body corporate

(2516.) SEC. 4. Every plank road company shall cease to be a body corporate if within three years, or, if hereafter organized, then if within three years from the date of its organization, it shall not have commenced the construction of its road, and actually expended thereon at least ten per cent of the capital stock.

Section 19 and part of section 17 of Act No. 62 of 1843, repealed

(2617.) SEC. 5. Section nineteen (and so much of section seventeen as requires the construction of five miles of road before collecting tolls) of the act entitled "An act relative to plank roads," approved March thirteen, eighteen hundred and forty-eight, are hereby repealed.

This act shall take effect in thirty days.

CHAPTER LXXIX.

STAGE COMPANIES.

An act to authorize the formation of stage companies.

[Approved February 9, 1865. Laws of 1865, p. 36.]

(2618.) SECTION 1. *The People of the State of Michigan enact,* Formation authorized.
That corporations for the purpose of conveying passengers, mails, and merchandise, with carriages, wagons, sleighs, or other vehicles, over any defined route, may be formed under the provisions of an act entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifth, in the year of our Lord eighteen hundred and fifty-three, and shall have and possess all the rights, Powers of. and be subject to all the liabilities, provided in said act and the acts amendatory thereof.

(2619.) SEC. 2. The route on which it is proposed to carry mails passengers, and merchandise, and the place or office in this State Route and location office to be stated in articles which shall be known as the business office of such company, shall be stated in the articles of association; and the capital stock in Capital. every such corporation shall in no case be less than five thousand dollars nor more than two hundred thousand dollars, and shall be divided into shares of twenty-five dollars each: *Provided,* Amendment of articles. That the articles of association of any such corporation may at any time be amended by a vote of two-thirds of the stock, at any regularly-called meeting of the stockholders.

(2620.) SEC. 3. It shall be lawful for any mining, smelting, or Mining companies may take stock. other corporation in this State to take stock in any such company,

and the amount of its capital so subscribed and paid out shall, for the purposes of taxation, be deducted from the capital stock of such corporation, and shall be taxed only as the capital of such stage company; and the president and secretary of every such company, taking stock in any such stage company, shall make return to the State Treasurer, the same as in cases of stock taken in any plank road company.

Stockholders
liable for debts
of the company.

(2621.) SEC. 4. The stockholders of all stage companies and associations formed in pursuance of the provisions of this act shall be jointly and severally liable to the amount of the capital stock owned by them, and to the amount of all sums drawn out of such company by them respectively, as dividends or profits, for the debts of such company or association, and for all damages for which such association or company shall be liable, by reason of any failure or neglect on the part of such company or association to perform its duty as a common carrier; and every such company or association receiving persons or property for transportation shall be entitled to the same rights, and subject to the same liabilities, as common carriers, and shall not be suffered in any way to lessen or abridge their common-law liability as such common carriers; and when two or more such companies or associations are connected by running arrangements, any company owning either of said lines, receiving goods or property to be transported by agreement to any place on the line traversed by the coaches or vehicles of either of said companies so connected, shall be liable, as common carriers, for the delivery of such goods or property at such place: *Provided always*, That no claim for any debt, demand, or damages, for the payment of which every such company or association shall be liable, shall be enforced against any stockholders, until after an execution therefor, against such company or association, shall be returned unsatisfied: *And provided further*, That if any stockholder shall be compelled to pay the demands of any person, or any part thereof, such stockholder shall have the right to call upon all the stockholders to contribute their part of the sum so paid as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the stockholder or stockholders so sued.

Rights and li-
abilities.

Common car-
riers.

How liabilities
enforced.

Proviso.

Annual report.

(2622.) SEC. 5. Every stage company or association shall annually, in the month of July, make a report, conforming in all respects to the requirements of section eighteen hundred and three of the Compiled Laws, one copy of which report shall be filed in said month in the office of the county clerk of each of the organized

counties in which such company shall be doing business or through which its lines shall run.

(2623.) SEC. 6. Service of legal process against any such company or association may, in addition to all other methods of service of such process on corporations, as provided by law, be made on the driver of any coach or other vehicle of such company or association.

Service of process.

(2624.) SEC. 7. That all corporations formed under the provisions of this act for the formation of stage corporations, shall be liable to be assessed upon all real and personal estate held by them in this State at its true value, and shall pay thereon taxes for township, county, and State purposes the same as other real and personal estate, and such taxes shall be assessed, collected, and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected, and paid.

Companies liable to tax.

CHAPTER LXXX.

TELEGRAPH COMPANIES.

An Act to authorize the formation of telegraph companies.

[Approved March 26, 1851. Laws of 1851, p. 61.]

(2625.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons may associate for the purpose of constructing a line of wires of telegraph through this State, or from and to any point within this State, upon such terms and conditions, and subject to the liabilities, prescribed in this act.

Formation of telegraph companies authorized.

(2626.) SEC. 2. Such persons, under their hands and seals, shall make a certificate, which shall specify—

Certificate of organization, what to contain.

First. The name assumed to distinguish such association, and used in its dealings, and by which it may sue and be sued ;

and the amount of its capital so subscribed and paid out shall, for the purposes of taxation, be deducted from the capital stock of such corporation, and shall be taxed only as the capital of such stage company; and the president and secretary of every such company, taking stock in any such stage company, shall make return to the State Treasurer, the same as in cases of stock taken in any plank road company.

Stockholders
liable for debts
of the company.

Rights and li-
abilities.

Common car-
riers.

How liabilities
enforced.

Proviso.

Annual report.

(2621.) SEC. 4. The stockholders of all stage companies and associations formed in pursuance of the provisions of this act shall be jointly and severally liable to the amount of the capital stock owned by them, and to the amount of all sums drawn out of such company by them respectively, as dividends or profits, for the debts of such company or association, and for all damages for which such association or company shall be liable, by reason of any failure or neglect on the part of such company or association to perform its duty as a common carrier; and every such company or association receiving persons or property for transportation shall be entitled to the same rights, and subject to the same liabilities, as common carriers, and shall not be suffered in any way to lessen or abridge their common-law liability as such common carriers; and when two or more such companies or associations are connected by running arrangements, any company owning either of said lines, receiving goods or property to be transported by agreement to any place on the line traversed by the coaches or vehicles of either of said companies so connected, shall be liable, as common carriers, for the delivery of such goods or property at such place: *Provided always*, That no claim for any debt, demand, or damages, for the payment of which every such company or association shall be liable, shall be enforced against any stockholders, until after an execution therefor, against such company or association, shall be returned unsatisfied: *And provided further*, That if any stockholder shall be compelled to pay the demands of any person, or any part thereof, such stockholder shall have the right to call upon all the stockholders to contribute their part of the sum so paid as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the stockholder or stockholders so sued.

(2622.) SEC. 5. Every stage company or association shall annually, in the month of July, make a report, conforming in all respects to the requirements of section eighteen hundred and three of the Compiled Laws, one copy of which report shall be filed in said month in the office of the county clerk of each of the organized

counties in which such company shall be doing business or through which its lines shall run.

(2623.) SEC. 6. Service of legal process against any such company or association may, in addition to all other methods of service of such process on corporations, as provided by law, be made on the driver of any coach or other vehicle of such company or association.

Service of process.

(2624.) SEC. 7. That all corporations formed under the provisions of this act for the formation of stage corporations, shall be liable to be assessed upon all real and personal estate held by them in this State at its true value, and shall pay thereon taxes for township, county, and State purposes the same as other real and personal estate, and such taxes shall be assessed, collected, and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected, and paid.

Companies liable to tax.

CHAPTER LXXX.

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Formation of telegraph companies authorized.

(2626.) SEC. 2. Such persons, under their hands and seals, shall make a certificate, which shall specify—

Certificate of organization, what to contain.

First. The name assumed to distinguish such association, and used in its dealings, and by which it may sue and be sued :

Second. The general route of the line of telegraph, designating the points to be connected;

Third. The capital stock of such association, and the number of shares into which the stock shall be divided;

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them, respectively;

Fifth. The term of its existence, not to exceed thirty years; which certificate shall be proved or acknowledged, and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State. Such acknowledgment may be taken by any officer authorized to take the acknowledgment of deeds of real estate, at the place where such acknowledgment is taken.

Copies of certificate; where filed.

(2627.) SEC. 3. Upon complying with the provisions of the last preceding section, such association shall be and hereby is declared to be a body corporate, by the name designated in said certificate; and a copy of said certificate, duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all courts and places, for and against any such association.

General powers of association.

(2628.) SEC. 4. Such association shall have power to purchase, receive, and hold and convey such real estate, and such only, as may be necessary for the convenient transaction of the business, and for effectually carrying on the operations of such association, and may appoint such directors, officers, and agents, and make such prudential rules, regulations, and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States. But this section shall not be so construed as to authorize any such association to hold any real estate except such as shall be actually occupied by such association in the exercise of its franchises.

When authorized to construct lines of telegraph.

(2629.) SEC. 5. Such association is authorized to enter upon, and construct, and maintain lines of telegraph through, along, and upon any of the public roads and highways, or across or under any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines: *Provided*, That the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this State. Said association, instead of running or placing their wires on posts,

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may, if they choose, run or place the same under ground, with a suitable or proper covering for the protection of the same; and any part of this act, or any law made or to be made providing for the appraisal of damages to any person injured by the construction or maintenance of such line or lines, shall be construed to include damages occasioned by the construction of said lines under ground, as provided by this act.¹

(2630.) SEC. 6. If any person, over or through whose lands said lines shall pass, upon which said posts, piers, or abutments shall be placed, or through whose lands said lines shall be run under ground, shall consider himself aggrieved or damaged thereby, it shall be the duty of the circuit court of the county within which said lands are, on the application of such person, and on notice to said association (to be served on the president or any director), to appoint three discreet and disinterested persons as commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damages sustained by said applicant by reason of said lines, posts, piers, or abutments, which appraisal shall be in writing, signed by said commissioners, or a majority of them, and filed in the office of the clerk of said court. Said report or appraisal may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report or appraisal, and objections against the confirmation thereof on the part of all parties interested therein, notice of which day shall be given to said association by service thereof on the president or any director. Said objections shall be as to matters of substance, and shall be filed with the clerk of said court, in writing, but may be argued, and the hearing of said report and objections may be adjourned from time to time, until said report or appraisal be confirmed or otherwise disposed of. Upon the confirmation of said report or appraisal, in case any damages be adjudged to said applicant, such association shall pay the amount thereof, with costs of such appraisal; said costs to be liquidated and ascertained on said award. In case no damages shall be reported to have been sustained by such applicant, and the report thereof being confirmed, said applicant shall thereafter be held to have sustained no loss or damage by reason of said lines. In case said report or appraisal shall not be confirmed, it shall not prejudice the right of such

Wires may be placed under ground.

Commissioners to assess damages.

Oath of.

Duties of.

Confirmation of report.

Objections thereto.

When no damages are reported.

¹ As amended by Act 240 of the Laws of 1868, p. 421, approved March 20, 1868.

Compensation
of commission-
ers.

applicant to renew his application. Said commissioners shall receive for their services two dollars for each day they are actually engaged in making such appraisal.¹

Penalty for in-
tentional injury
to line.

(2631.) SEC. 7. Any person who shall unlawfully or intentionally injure, molest, or destroy any of said lines, posts, piers, or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

Liability of
stockholders.

(2632.) SEC. 8. The stockholders of every association organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due during the time of their holding such stock; and no stockholder shall be proceeded against for the collection of any debt or demand against such association, until judgment thereon shall have been obtained against the association and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall be dissolved.

Annual report;
where to be
filed.

(2633.) SEC. 9. Every such corporation shall, annually, within ten days from the first of January, make a report, which shall state the amount of capital, and the amount actually paid in, the investment of any portion of the earnings of such company in its business, and the whole amount of money which has at any time been borrowed and then remaining unpaid; the commencement, general route, termination, and length of the lines of the wires of such company, and the names of the places through which they pass; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president or secretary of such corporation, and filed in the office of the clerk of the county in which the business of any such company is carried on, and a duplicate thereof in the office of the Secretary of State; and if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made.

Liability for
neglect to make
report.

Annual tax.

(2634.) SEC. 10. All corporations formed under this act shall pay to the Treasurer of the State of Michigan an annual tax of one per centum on the whole amount of capital actually paid in; and any investment of the earnings of any such company in their business.

¹ Vide note to section 5.

shall be considered as so much capital paid in; also upon all sums of money at any time borrowed by any such company, and then remaining unpaid in whole or in part; which tax shall be paid on the first Monday of February in each year, and shall be estimated upon the report of such company for that year, made as required by section nine of this act; and such tax shall be in lieu of all State taxes upon the real and personal estate of such company.

How estimated
and when paid.

(2635.) SEC. 11. The stock of any such corporation shall be deemed personal estate, and shall be transferable in such a manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such company, according to the provisions of this act, until the same shall have been entered upon the books of the corporation, so as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferable until all previous calls or assessments thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase, stock in any other corporation.

Transfer of
stock.

(2636.) SEC. 12. Service of any legal process against any such corporation may be made on the president or secretary, or if neither of them can be found in the county, then upon one of the directors of such company; and in case none of the above named officers can be found in the county, then such service may be made by leaving a copy of such process at the business office of such company, in some conspicuous place.

Service of legal
process, how
made upon com-
pany.

(2637.) SEC. 13. It shall be the duty of the directors of every such corporation or company to cause books to be kept by the treasurer or secretary, or other officers thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been, stockholders of such company, and showing their place of residence, the number of shares of stock held by them, respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the principal office of every such company in every county in which such company transact business, for the inspection of stockholders and creditors of such company, and their personal representatives; and any and every such person shall have a right to make extracts from any

Books to be kept
by company.

Penalty for neglect of duty by officers or agents

such book. Such books shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of any such company who shall fail or neglect to make any proper entry in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor; and the company shall forfeit and pay to the party injured, a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of owner or association in the transmission of dispatches.

(2638.) SEC. 14. It shall be the duty of the owner or association owning any telegraph line doing business within this State, to receive dispatches from and for other telegraph lines and associations, and from and for any individual; and on payment of their usual charges for individuals for transmitting dispatches, as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered, with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such dispatch.

Ibid.

15 Mich. 525.

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(2639.) SEC. 15. It shall likewise be the duty of every such owner or association to transmit all dispatches in the order in which they are received, under the like penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order as herein prescribed; *Provided however*, That arrangements may be made with the proprietors or publishers of newspapers, for the transmission for the purpose of publication of intelligence of general and public interest, out of its regular order.

Penalty for divulging the nature of the contents of private communications.

(2640.) SEC. 16. Any person connected with any telegraph company in this State, or connected with any such company transacting business in this State, either as clerk, operator, messenger, or in any other capacity, who shall willfully or negligently divulge the contents or the nature of the contents of any private communication intrusted for transmission or delivery to the agent, clerk, operator, messenger, or other person in the employ of such company, or who shall willfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail where such conviction shall be had, for a term not exceeding six months, or shall pay a fine not exceeding five hundred dollars, in

the discretion of the court; and such company shall be liable to the party aggrieved for all damages sustained thereby.

(2641.) SEC. 17. The State shall have a lien upon any line constructed under this act, and its appurtenances, and for all taxes which may accrue thereon to the State, by virtue of the provisions of this act, which shall have precedence of all other liens; and in case the tax or any part thereof shall remain unpaid at the time hereinbefore provided for its payment, then the State Treasurer shall have power, and it is hereby made his duty, to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the city of Detroit, by giving three weeks' previous notice, and to sell the same accordingly for the amount of tax and interest and charges of sale: *Provided*, The same shall not be paid before the time of sale; and the surplus money, if any, shall be paid to the owner or owners of such line.

Lien of the State for taxes.

Duty of State Treasurer in case of non-payment of tax.

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(2642.) SEC. 18. The Legislature may at any time alter, amend, or repeal this act; and any such alteration or amendment shall act as an alteration or amendment of the corporate rights of all companies formed, created, organized, or at any time doing business under its provisions; or they may annul or repeal any corporation formed under this act; but such alteration, amendment, annulling, or repeal shall not, nor shall the dissolution of any such company, take away or impair any remedy given for or against any such corporation, its stockholders or officers, for any right acquired or liability which shall have been previously incurred.

Legislature may alter, amend, or repeal this act.

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SEC. 19. This act shall take effect immediately.

(2643.) SEC. 20. When any person owning or occupying lands lying in or extending into one or more counties, shall desire to have the damages occasioned by the passing or extension of said lines over or through the said lands appraised, the circuit court for any county in which any part of the said lands may lie shall have power to appoint commissioners, as provided in section six, to appraise the damages to such person upon all the lands so owned or occupied by him, whether they lie in the county where the said court is held or not, provided they are contiguous to each other.¹

Appraisement of damages where lands lie in one or more counties.

(2644.) SEC. 21. Whenever any person shall apply to any circuit court for the appointment of commissioners to appraise the damages to any lands owned or occupied by him, under the provisions of this act, and it shall appear to said court that such person owns or occupies other lands contiguous thereto, whether in the county where said court is held or otherwise, it shall be the duty of said

Ibid.

¹ Added by Act 240 of the Laws of 1868, p. 421, approved March 20, 1868.

circuit court to authorize and require said commissioners to appraise the damages to such applicant upon all [the] contiguous lands of such person, in whatever county they may lie, unless said association shall otherwise consent in writing.¹

CHAPTER LXXXI.

BRIDGE COMPANIES.

An Act to authorize the incorporation of bridge companies.

[Approved April 4, 1851. Laws of 1851, p. 85.]

How and upon
what conditions
bridge compa-
nies may be or-
ganized.

(2645.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons may associate for the purpose of constructing a bridge over any stream, not less than three hundred feet across, upon such terms and conditions and subject to the liabilities prescribed in this act, and to take and receive such amount of toll for the passage of persons, teams, vehicles, and animals across such bridge, as the board of supervisors in the county or counties in which such bridge is situated may prescribe, as hereinafter provided.

Certificate of
organization,
what to specify.

(2646.) SEC. 2. Such persons, under their hands and seals, shall make a certificate, which shall specify—

First. The name assumed to distinguish such company, and to be used in its dealings, and by which it may sue and be sued;

Second. The place where and the stream over which such bridge is to be constructed;

Third. A description of the bridge proposed to be constructed;

Fourth. A statement of the amount of capital stock of such company, and the number of shares into which the capital stock shall be divided;

¹ Added by Act 240 of the Laws of 1868, p. 421, approved March 20, 1868.

Fifth. The names and places of residence of the shareholders, and the number of shares held by each of them, respectively;

Sixth. The term of its existence, not to exceed thirty years; which certificate shall be proved or acknowledged, as deeds are required to be acknowledged, and recorded in the office of the clerk of the county where such bridge is to be constructed, and a copy thereof filed in the office of the Secretary of State. Where to be filed.

(2647.) SEC. 3. Upon complying with the provisions of the last preceding section, such company shall be and is hereby declared to be a body corporate, by the name designated in said certificate, and a copy of said certificate duly certified by the clerk of the county where the same is filed and recorded, or by the Secretary of State, may be used as evidence in all courts and places, for and against any such company. Company to be incorporated. Copy of certificate to be evidence.

(2648.) SEC. 4. Such company shall have power to purchase, receive, hold, and convey such real estate, and such only, as may be necessary for the erection of such bridge and the necessary toll-houses, and for effectually carrying on the operations of such association, and may appoint such directors, officers, and agent, and make such prudential rules, regulations, and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this State or of the United States. Powers of company.

(2649.) SEC. 5. No company formed or created under this act shall construct any bridge across any stream until they shall have obtained the assent of the board of supervisors of the county in which the same is to be constructed; and if such proposed bridge is to be constructed partly in two counties, the assent of the board of supervisors in each county shall be first obtained as shall be provided by law. Assent of board of supervisors to be obtained before construction of any bridge.

(2650.) SEC. 6. The board of supervisors of the county in which [any] such bridge is to be constructed, shall, at the time of granting such assent to the construction of such bridge, or previous to any toll being taken for passing the same, fix and establish the rates of toll to be paid for passing such bridge; and if such bridge shall be situated in more than one county, the board of supervisors of each county shall, at the request of the directors of such company, and at the expense of the company, meet on some day to be agreed upon, at the site of such bridge, and shall act as one board, and may appoint their own clerk and chairman, in determining such rates of toll; and in either case such rates of toll shall be certified by such board, and a printed copy of such certificate shall be at all times kept up in some conspicuous place Supervisors to fix rates of toll.

Penalty on company for taking illegal toll.	on such bridge, and if such company, or any gate-keeper in their employ, shall at any time take or receive any greater sum for toll than shall have been so fixed, such company shall be liable to a penalty of ten dollars for every such offense, with costs of suit, to be recovered by the person aggrieved. And after said tolls
Tolls to remain fixed ten years.	shall have been so fixed, they shall remain fixed for the term of ten years, when they may be again fixed by the supervisors as
Minimum of tolls.	aforesaid. But such toll shall not at any time be reduced so that the sum shall amount to less than fifteen per cent a year upon the
Not to be taken if bridge is out of repair.	cost of the bridge. If any such bridge should at any time be out of repair, so as to render the passage of teams and vehicles dangerous [or] inconvenient, no tolls shall be taken or received for
Penalty for so doing.	passing over the same, till the same shall be repaired and put in good order. For every violation of this provision, the company shall forfeit and pay to the party aggrieved a penalty of ten dollars for such violation, together with all damages that may be sustained by reason of such bridge not being kept in repair.
Penalty for intentional injury to bridge.	(2651.) SEC. 7. Any person who shall unlawfully or intentionally injure or destroy any bridge, piers, or abutments, or the materials, appurtenances, or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court before which conviction shall be had.
Individual liability of stockholders.	(2652.) SEC. 8. The stockholders of every company organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due during the time of their holding such stock, for any labor or services done or performed for such company; but no stockholder shall be proceeded against for the collection of any debt or demand against such company, until judgment thereon shall have been obtained against the association and an execution on such judgment shall have been returned unsatisfied in whole or in part, or unless such association shall be dissolved.
Corporation to make annual report.	(2653.) SEC. 9. Every such corporation shall, annually, within ten days from the first of January, make a report, which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such company in its business, and the whole amount of money which has at any time been borrowed, and then remaining unpaid; and the amount of tolls received for passing such bridge for the year then last past;

which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president and secretary of such corporation, and filed in the office of the clerk of the county in which any portion of such bridge is situated. And if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made. Liability for neglect.

(2654.) SEC. 10. The capital stock of such company shall not be taxed as such; but the bridge, with its appurtenances, gates, and toll-houses, shall be assessed at its true cash value to the company by their corporate name, as personal property in the township in which the toll shall be received; and in case such tax shall not be paid before the collecting officer shall be bound to make return of the same, no toll shall be taken after such default of payment, until the same, with interest at twenty-five per cent, shall have been duly paid. For any violation of this provision, any such company shall forfeit its corporate franchises. Assessment for taxation.
No toll to be taken while tax unpaid.
Forfeiture for violation of this provision.

(2655.) SEC. 11. The stock of any such corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of such company, according to the provisions of this act, until the same shall have been entered upon the books of the corporation, so as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no shares shall be transferable until all previous calls of assessment thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase, stock in any other corporation. Stock to be deemed personal estate, and how transferable.
Restriction upon use of corporate funds.

(2656.) SEC. 12. Service of any legal process against any such corporation may be made on the president or secretary, or if neither of them can be found in the county, then upon any one of the directors of such company; and in case none of the above named officers can be found in the county, then such service may be made by leaving a copy of such process with the person receiving tolls at such bridge. Legal process; how served upon company.

(2657.) SEC. 13. It shall be the duty of the directors of every such corporation or company to cause books to be kept by the Books to be kept.

treasurer, secretary, or other officers thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them, respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the office of the receiver of tolls at the bridge, for the inspection of stockholders and creditors of such company and their personal representatives; and any and every such person shall have a right to make extracts from such book. Such books shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders.

Liability of officers and agents with respect to books.

Every officer or agent of such company, who shall fail or neglect to make any proper [entry] in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of board of supervisors when bridge is out of repair.

(2658.) SEC. 14. If any person shall at any time make complaint in writing, to any board of supervisors, and deliver the same to the clerk of such board, in any county in which any such bridge or any part thereof is situated, that such bridge is out of repair, such board, or the clerk thereof, shall cause notice to be given to the gate-keeper or receiver of tolls, of the time at which said board will hear such complaint; and at the time specified in such notice, unless the board shall be satisfied that such bridge has been since repaired, they shall proceed to hear the evidence that may be produced touching the matter aforesaid; and they may order such bridge to be repaired within such reasonable time as they may think proper; and shall cause notice thereof to be given to some director, or the receiver of tolls; and if the same shall not be repaired within the time so fixed, or within ten days thereafter, such board may declare the [said] bridge forfeited to the township in which the same is situated; and the said bridge, and all its appurtenances, shall thereupon become vested in such township as a free bridge.

Act may be amended. Company subject to general laws.

(2659.) SEC. 15. The Legislature may at any time alter or amend this act, and all companies formed under this act shall at all times be subject to all general laws in force relative to bridge companies.

SEC. 16. This act shall take effect immediately.

(2660.) SEC. 17. Every toll-gatherer at any such bridge, who shall unreasonably hinder, detain, or delay any traveler or passenger, shall, for each offense, forfeit the sum of five dollars to the party aggrieved, and shall be further liable to the party aggrieved for all damages, to be sued for in the name of the party, in an action of debt or assumpsit. And when execution shall have been issued on a judgment so recovered, and the same cannot be collected for want of goods and chattels of the person against whom the same was rendered, the amount of such judgment unsatisfied, with costs, may be recovered of such incorporation.¹

Penalty for delay of travelers.

Recovery thereof.

(2661.) SEC. 18. Any person who shall forcibly or fraudulently pass the toll-gate or toll-house of any bridge erected pursuant to the provisions of this act, not having paid the legal toll, shall, for each offense, be liable to a fine not exceeding ten dollars, to be sued for and recovered by such company in an action of debt or assumpsit: *Provided*, Nothing in this section shall be so construed as to authorize the taking of tolls on any such bridge contrary to the provisions of section six of the act to which this is an amendment.¹

Penalty for not paying toll.

Proviso.

CHAPTER LXXXII.

FERRY COMPANIES.

An Act to provide for the incorporation of ferry companies.

[Approved April 13, 1871. Laws of 1871, p. 143.]

(2662.) SECTION 1. *The People of the State of Michigan enact*, That corporations may be formed for the purpose of owning and operating ferries duly licensed in the manner following :

¹ These sections added by Act 24 of the Laws of 1861, p. 20, approved and took effect February 2, 1861.

Five persons
may execute ar-
ticles of associa-
tion.

(2663.) SEC. 2. Any five or more persons desirous of organizing such a corporation may execute articles of association which (amongst other things) prescribe—

Contents of
same.

First. The name of the corporation ;

Second. The ferry which (license being obtained) it is the purpose of the association to own and operate ;

Third. The amount of the capital stock of the company, and the number of shares thereof ;

Fourth. The time and place of holding the first and other annual meetings ;

Fifth. The number of directors, and the names of those who shall manage the affairs of the corporation for the first year and until others are elected.

Execution of
articles.

(2664.) SEC. 3. Each of the associates shall execute the articles by subscribing his name thereto, either in person or by attorney, with the addition of his place of residence, and the number of shares taken by him in the company.

Affidavit of
directors.

(2665.) SEC. 4. When the whole number of shares shall have been subscribed, at least two of the directors named in the articles shall, by their affidavit indorsed thereon or annexed thereto, verify the due execution of the articles by the persons whose names are thereto subscribed.

Articles filed
with Secretary
of State.

(2666.) SEC. 5. The articles of association, with the affidavit of the directors verifying the execution thereof, shall be filed with the Secretary of State, and thereupon the persons who have subscribed the same, and all other persons who shall thereafter become stockholders in such company, shall be a body corporate, by the name specified in the articles, and, on such, capable of receiving a license from the proper board of supervisors or municipal authorities of the ferry contemplated by the articles, of operating said ferry, and receiving fares or tolls authorized by the license, and of acquiring, conveying, or mortgaging any real property, including rights of way, easements, or rights of wharfage, or any personal property which may be requisite and proper for the purposes for which the corporation was organized.

Register of
stock.

(2667.) SEC. 6. Such corporation shall keep a register of the names of the shareholders for the time being, with the number of shares held by each, which register shall be open to the inspection of all persons desiring to examine the same.

Annual state-
ment.

(2668.) SEC. 7. Such corporation shall annually make out a statement and furnish the same to the board of supervisors or municipal authorities by whom its ferry license was granted, at their regular

annual meeting in each year, a statement showing the amount of the capital stock of the company paid in, the value of its real and personal property, and the receipts and expenditures of the company during the year preceding the date of the report; which statement shall be signed by the president and a majority of the directors, and verified by the secretary, agent, or officer making the same.

(2669.) SEC. 8. The stockholders of the company shall be liable for the debts of the company in the same manner and to the same extent, and each shall have the same right to contributions from others, as is provided for in the case of stockholders in tram-railway companies by articles two thousand and eighty-four, two thousand and eighty-five, and two thousand and eighty-six of the Compiled Laws. Liability of stockholders.

(2670.) SEC. 9. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit verifying the execution thereof indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of said articles and of said affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and of the facts therein stated. Copy of articles evidence in court

SEC. 10. This act shall take immediate effect.

CHAPTER LXXXIII.

MARITIME COMMERCE OR NAVIGATION.

An Act to authorize the formation of corporations for the purpose of engaging in commerce or navigation.

[Approved February 21, 1867. Laws of 1867, p. 26.]

(2671.) SECTION 1. *The People of the State of Michigan enact,* That all corporations organized under this act shall be capable of suing and being sued in any court; may have a common seal; may elect or appoint, in such manner and for so long as they may determine, all necessary officers, agents, and employes; may make, Their capabilities and powers.

Limit to value of property.	alter, or amend such by-laws, not inconsistent with the laws and Constitution of this State, as a majority of the stockholders shall direct, and shall, in their corporate name, be capable in law of owning, holding, or disposing of, in any manner, any real or personal estate or property whatsoever, not exceeding one million of dollars in value, which may be necessary to enable such company to carry on the operations and business mentioned in their articles of association.
Their formation.	(2672.) SEC. 2. Any number of persons, not less than three, who shall, by articles of agreement in writing, associate, according to the provisions of this act, under any name assumed by them for the purpose of engaging in the business of maritime commerce or navigation within this State or upon the frontier lakes or other navigable waters, natural or artificial, connected therewith, and who shall comply with the provisions of this act, shall, with their successors or assigns, constitute a body politic and corporate, in fact and name, under any name assumed by them in their articles of association: <i>Provided</i> , That no two companies shall assume the same name.
Proviso.	
Articles, and where filed.	(2673.) SEC. 3. Before any corporation formed under this act shall commence business, their articles of association shall be filed with the Secretary of State of this State, and with the county clerk of the county where their general office for business is located, which said articles shall be recorded at the expenses of said corporation, in said office, at length, in books prepared for that purpose.
Acknowledgment of signatures.	(2674.) SEC. 4. The articles of association of every such company shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgment of deeds, and shall state— <i>First.</i> The purpose for which the same is formed; <i>Second.</i> The amount of their capital, which shall not be less than fifty thousand dollars nor more than one million dollars, and the number of shares, which in all cases shall be twenty-five dollars each; <i>Third.</i> The amount of capital stock actually paid in; <i>Fourth.</i> The names of the stockholders, their respective residences, and the number of shares held by each; <i>Fifth.</i> The city or town and county in this State where their general office for business is located; <i>Sixth.</i> The term of its existence, not to exceed thirty years.
Amount of capital stock.	
Share value.	
Time of annual meeting.	(2675.) SEC. 5. Every such corporation shall hold their annual meeting of stockholders on the first Tuesday of February of each

year, fifteen days' notice of which shall be given as hereinafter provided: *Provided*, That if for any reason it is not held thereon, the corporation for that reason shall not be dissolved, but it may be held pursuant to public notice by the directors at any time thereafter; said notice to be given by fifteen days' notice in at least two daily papers, published in the county where their principal office is located, if there are so many therein printed, if not, in any two papers printed nearest to said principal office: *Provided*, That if notice is given personally, or by mail, to each stockholder, addressed to him at his place of residence, as the same appears by the books of the company, no publication shall be necessary.

Proviso.

Proviso.

(2676.) SEC. 6. At such annual meeting, said corporation shall make a report to the stockholders, signed by a majority of the board of directors, verified on oath by the officers signing the same, containing—

Certified annual report.

First. The amount of capital actually paid in;

Second. The amount invested in real estate, with a general description of the same;

Third. The amount of personal estate, with a general description thereof;

Fourth. The amount of their debts and credits, as near as may be;

Fifth. A general condensed statement of their business and financial condition;

Sixth. The name of each stockholder and his residence, and the number of shares held by him as appears by the books of said corporation at the date of said report; and if any person shall knowingly swear or affirm falsely in said report, he shall be deemed guilty of perjury, and punished accordingly.

Penalty of swearing falsely.

(2677.) SEC. 7. When any corporation shall be formed under this act, any two of those associated may call the first meeting of said corporation, at such time and place as they may appoint, giving notice as provided in section five.

Number that may call a meeting.

(2678.) SEC. 8. The stock, property, and affairs of such corporation shall be managed by not less than three nor more than thirteen directors, as the articles of association shall determine, who shall be stockholders of the company, and who shall hold their office until the next annual meeting and until their successors are elected: *Provided*, That if any director shall cease to own any of the stock of said corporation, he shall cease to be a director; and any vacancy among the directors shall be filled as the by-laws provide.

Number of directors.

Term of office.

Proviso.

Appointment of
officers.

(2679.) SEC. 9. The directors shall choose from their number a president, secretary, and treasurer, and shall have power to appoint or employ such other subordinate officers, agents, or employees, as the by-laws of the corporation shall designate, or such as shall be necessary to the proper accomplishment of the purposes of the corporation, and to require any and all officers (including the president), agents, or employees, to give satisfactory security for the faithful performance of their duties, and to prescribe the same, and shall have power to remove such president and other officers, agents, and employees at pleasure, and appoint others.

Satisfactory
security.

Subscriptions,
when paid.

(2680.) SEC. 10. The directors may call in the subscription to the capital stock of such corporation, by installments, in such portion and at such times and places as they shall think proper, by giving

Payment refused

notice thereof, as the by-laws provide; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, as provided by the by-laws, the stock of such delinquent stockholder may be sold by the directors, at public auction, at the office of the secretary of the corporation, or at the principal office of said corporation, first giving at least thirty days' notice of the time and place of such sale in some daily newspaper (if such be published in the county) or weekly newspaper, if there be no daily newspaper, and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses of the sale, and the residue, if any, shall be refunded to the owner thereof, and such sale shall entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

Proceeds of sale,
how applied.

Rights of pur-
chaser.

Privilege in case
of non-payment
of assessments.

(2681.) SEC. 11. The said corporation may, if they so elect, instead of forfeiting said stock for non-payment of assessments, collect any and all unpaid installments, or any deficiency remaining unpaid thereon, by suit against the owner of the stock, at the time the installment becomes due and payable; and at any sale of forfeited stock, the corporation may purchase said stock for its own use.

A quorum.

(2682.) SEC. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting. Stockholders may vote in person or by proxy duly filed, and at all stockholders' meetings each share shall be entitled to one vote.

Number that
can transact
business.

Relative to
voting.

(2683.) SEC. 13. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of the State, or of the United States, as they shall deem proper for the management and disposition of the property, affairs, and concerns of said corporation; for prescribing the powers and duties of the officers and all employes of said company; for the appointment of such officers, and the transaction and carrying on of all kinds of business within the objects and purposes of such company, and may alter or amend the same.

Power to make by-laws.

(2684.) SEC. 14. It shall be the duty of the directors to cause a book to be kept by the treasurer or secretary, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such corporation, and showing their places of residence, the number of shares held by each, and the time they became owners, and from whom they were transferred; the amount of stock actually paid in, and the time they ceased to be stockholders, and to whom the stock was transferred, and all liens and claims of the company on the stock of each shareholder; which book shall, during the usual business days and hours, be open for the inspection of stockholders, and of all persons desiring to purchase or take transfers of stock, and of creditors of the company, and creditors of the stockholders, and their personal representatives, at the office of the secretary of such corporation. Such book shall be presumptive evidence of the matters therein stated, in favor of the plaintiff, in any action or proceeding against said company or the stockholder or stockholders. Every officer or agent of such company, whose duty it shall be to keep such book, who shall neglect any proper entry in said book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected as herein provided, shall be deemed guilty of a misdemeanor, and the corporation shall forfeit and pay to the party injured thereby, a penalty of fifty dollars for every such neglect and refusal, and all damages resulting therefrom.

Record of names of stockholders, number of shares, etc.

Record open for inspection at secretary's office

Record shall be presumptive evidence.

Penalty of neglect to enter in record.

(2685.) SEC. 15. The books of said corporation, containing their accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders.

Books open to stockholders.

(2686.) SEC. 16. The stock of every such corporation shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors shall prescribe; and no transfer of stock, made in any other manner, shall be valid for any purpose whatever, except as against the transferer, and to render the transferee liable for the debts and liabilities of the

Stock deemed personal property.

Transfer of stock

treasurer, secretary, or other officers thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them, respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the office of the receiver of tolls at the bridge, for the inspection of stockholders and creditors of such company and their personal representatives; and any and every such person shall have a right to make extracts from such book. Such books shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company, or against any one or more stockholders.

Liability of officers and agents with respect to books.

Every officer or agent of such company, who shall fail or neglect to make any proper [entry] in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

Duty of board of supervisors when bridge is out of repair.

(2658.) SEC. 14. If any person shall at any time make complaint in writing, to any board of supervisors, and deliver the same to the clerk of such board, in any county in which any such bridge or any part thereof is situated, that such bridge is out of repair, such board, or the clerk thereof, shall cause notice to be given to the gate-keeper or receiver of tolls, of the time at which said board will hear such complaint; and at the time specified in such notice, unless the board shall be satisfied that such bridge has been since repaired, they shall proceed to hear the evidence that may be produced touching the matter aforesaid; and they may order such bridge to be repaired within such reasonable time as they may think proper; and shall cause notice thereof to be given to some director, or the receiver of tolls; and if the same shall not be repaired within the time so fixed, or within ten days thereafter, such board may declare the [said] bridge forfeited to the township in which the same is situated; and the said bridge, and all its appurtenances, shall thereupon become vested in such township as a free bridge.

Act may be amended. Company subject to general laws.

(2659.) SEC. 15. The Legislature may at any time alter or amend this act, and all companies formed under this act shall at all times be subject to all general laws in force relative to bridge companies.

SEC. 16. This act shall take effect immediately.

(2660.) SEC. 17. Every toll-gatherer at any such bridge, who shall unreasonably hinder, detain, or delay any traveler or passenger, shall, for each offense, forfeit the sum of five dollars to the party aggrieved, and shall be further liable to the party aggrieved for all damages, to be sued for in the name of the party, in an action of debt or assumpsit. And when execution shall have been issued on a judgment so recovered, and the same cannot be collected for want of goods and chattels of the person against whom the same was rendered, the amount of such judgment unsatisfied, with costs, may be recovered of such incorporation.¹

Penalty for delay of travelers.

Recovery thereof.

(2661.) SEC. 18. Any person who shall forcibly or fraudulently pass the toll-gate or toll-house of any bridge erected pursuant to the provisions of this act, not having paid the legal toll, shall, for each offense, be liable to a fine not exceeding ten dollars, to be sued for and recovered by such company in an action of debt or assumpsit: *Provided*, Nothing in this section shall be so construed as to authorize the taking of tolls on any such bridge contrary to the provisions of section six of the act to which this is an amendment.¹

Penalty for not paying toll.

Proviso.

CHAPTER LXXXII.

FERRY COMPANIES.

An Act to provide for the incorporation of ferry companies.

[Approved April 13, 1871. *Laws of 1871*, p. 143.]

(2662.) SECTION 1. *The People of the State of Michigan enact*, That corporations may be formed for the purpose of owning and operating ferries duly licensed in the manner following :

¹ These sections added by Act 34 of the Laws of 1861, p. 20, approved and took effect February 3, 1861.

Five persons may execute articles of association.

(2663.) SEC. 2. Any five or more persons desirous of organizing such a corporation may execute articles of association which (amongst other things) prescribe—

Contents of same.

First. The name of the corporation ;

Second. The ferry which (license being obtained) it is the purpose of the association to own and operate ;

Third. The amount of the capital stock of the company, and the number of shares thereof ;

Fourth. The time and place of holding the first and other annual meetings ;

Fifth. The number of directors, and the names of those who shall manage the affairs of the corporation for the first year and until others are elected.

Execution of articles.

(2664.) SEC. 3. Each of the associates shall execute the articles by subscribing his name thereto, either in person or by attorney, with the addition of his place of residence, and the number of shares taken by him in the company.

Affidavit of directors.

(2665.) SEC. 4. When the whole number of shares shall have been subscribed, at least two of the directors named in the articles shall, by their affidavit indorsed thereon or annexed thereto, verify the due execution of the articles by the persons whose names are thereto subscribed.

Articles filed with Secretary of State.

(2666.) SEC. 5. The articles of association, with the affidavit of the directors verifying the execution thereof, shall be filed with the Secretary of State, and thereupon the persons who have subscribed the same, and all other persons who shall thereafter become stockholders in such company, shall be a body corporate, by the name specified in the articles, and, on such, capable of receiving a license from the proper board of supervisors or municipal authorities of the ferry contemplated by the articles, of operating said ferry, and receiving fares or tolls authorized by the license, and of acquiring, conveying, or mortgaging any real property, including rights of way, easements, or rights of wharfage, or any personal property which may be requisite and proper for the purposes for which the corporation was organized.

Register of stock.

(2667.) SEC. 6. Such corporation shall keep a register of the names of the shareholders for the time being, with the number of shares held by each, which register shall be open to the inspection of all persons desiring to examine the same.

Annual statement.

(2668.) SEC. 7. Such corporation shall annually make out a statement and furnish the same to the board of supervisors or municipal authorities by whom its ferry license was granted, at their regular

annual meeting in each year, a statement showing the amount of the capital stock of the company paid in, the value of its real and personal property, and the receipts and expenditures of the company during the year preceding the date of the report; which statement shall be signed by the president and a majority of the directors, and verified by the secretary, agent, or officer making the same.

(2669.) SEC. 8. The stockholders of the company shall be liable for the debts of the company in the same manner and to the same extent, and each shall have the same right to contributions from others, as is provided for in the case of stockholders in tram-railway companies by articles two thousand and eighty-four, two thousand and eighty-five, and two thousand and eighty-six of the Compiled Laws. Liability of stockholders.

(2670.) SEC. 9. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit verifying the execution thereof indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of said articles and of said affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and of the facts therein stated. Copy of articles evidence in court

SEC. 10. This act shall take immediate effect.

CHAPTER LXXXIII.

MARITIME COMMERCE OR NAVIGATION.

An Act to authorize the formation of corporations for the purpose of engaging in commerce or navigation.

[Approved February 21, 1867. Laws of 1867, p. 26.]

(2671.) SECTION 1. *The People of the State of Michigan enact,* That all corporations organized under this act shall be capable of suing and being sued in any court; may have a common seal; may elect or appoint, in such manner and for so long as they may determine, all necessary officers, agents, and employees; may make, Their capabilities and powers.

Limit to value of property.	alter, or amend such by-laws, not inconsistent with the laws and Constitution of this State, as a majority of the stockholders shall direct, and shall, in their corporate name, be capable in law of owning, holding, or disposing of, in any manner, any real or personal estate or property whatsoever, not exceeding one million of dollars in value, which may be necessary to enable such company to carry on the operations and business mentioned in their articles of association.
Their formation.	(2672.) SEC. 2. Any number of persons, not less than three, who shall, by articles of agreement in writing, associate, according to the provisions of this act, under any name assumed by them for the purpose of engaging in the business of maritime commerce or navigation within this State or upon the frontier lakes or other navigable waters, natural or artificial, connected therewith, and who shall comply with the provisions of this act, shall, with their successors or assigns, constitute a body politic and corporate, in fact and name, under any name assumed by them in their articles of association: <i>Provided</i> , That no two companies shall assume the same name.
Articles, and where filed.	(2673.) SEC. 3. Before any corporation formed under this act shall commence business, their articles of association shall be filed with the Secretary of State of this State, and with the county clerk of the county where their general office for business is located, which said articles shall be recorded at the expenses of said corporation, in said office, at length, in books prepared for that purpose.
Acknowledgment of signatures.	(2674.) SEC. 4. The articles of association of every such company shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgment of deeds, and shall state— <i>First</i> . The purpose for which the same is formed; <i>Second</i> . The amount of their capital, which shall not be less than fifty thousand dollars nor more than one million dollars, and the number of shares, which in all cases shall be twenty-five dollars each; <i>Third</i> . The amount of capital stock actually paid in; <i>Fourth</i> . The names of the stockholders, their respective residences, and the number of shares held by each; <i>Fifth</i> . The city or town and county in this State where their general office for business is located; <i>Sixth</i> . The term of its existence, not to exceed thirty years.
Amount of capital stock.	(2675.) SEC. 5. Every such corporation shall hold their annual meeting of stockholders on the first Tuesday of February of each
Share value.	
Time of annual meeting.	

year, fifteen days' notice of which shall be given as hereinafter provided: *Provided*, That if for any reason it is not held thereon, the corporation for that reason shall not be dissolved, but it may be held pursuant to public notice by the directors at any time thereafter; said notice to be given by fifteen days' notice in at least two daily papers, published in the county where their principal office is located, if there are so many therein printed, if not, in any two papers printed nearest to said principal office: *Provided*, That if notice is given personally, or by mail, to each stockholder, addressed to him at his place of residence, as the same appears by the books of the company, no publication shall be necessary.

Proviso.

Proviso.

(2676.) SEC. 6. At such annual meeting, said corporation shall make a report to the stockholders, signed by a majority of the board of directors, verified on oath by the officers signing the same, containing—

Certified annual report.

First. The amount of capital actually paid in;

Second. The amount invested in real estate, with a general description of the same;

Third. The amount of personal estate, with a general description thereof;

Fourth. The amount of their debts and credits, as near as may be;

Fifth. A general condensed statement of their business and financial condition;

Sixth. The name of each stockholder and his residence, and the number of shares held by him as appears by the books of said corporation at the date of said report; and if any person shall knowingly swear or affirm falsely in said report, he shall be deemed guilty of perjury, and punished accordingly.

Penalty of swearing falsely.

(2677.) SEC. 7. When any corporation shall be formed under this act, any two of those associated may call the first meeting of said corporation, at such time and place as they may appoint, giving notice as provided in section five.

Number that may call a meeting.

(2678.) SEC. 8. The stock, property, and affairs of such corporation shall be managed by not less than three nor more than thirteen directors, as the articles of association shall determine, who shall be stockholders of the company, and who shall hold their office until the next annual meeting and until their successors are elected: *Provided*, That if any director shall cease to own any of the stock of said corporation, he shall cease to be a director; and any vacancy among the directors shall be filled as the by-laws provide.

Number of directors.

Term of office.

Proviso.

Appointment of officers.	(2679.) SEC. 9. The directors shall choose from their number a president, secretary, and treasurer, and shall have power to appoint or employ such other subordinate officers, agents, or employees, as the by-laws of the corporation shall designate, or such as shall be necessary to the proper accomplishment of the purposes of the corporation, and to require any and all officers (including the president), agents, or employees, to give satisfactory security for the faithful performance of their duties, and to prescribe the same, and shall have power to remove such president and other officers, agents, and employees at pleasure, and appoint others.
Satisfactory security.	
Subscriptions, when paid.	(2680.) SEC. 10. The directors may call in the subscription to the capital stock of such corporation, by installments, in such portion and at such times and places as they shall think proper, by giving
Payment refused	notice thereof, as the by-laws provide; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, as provided by the by-laws, the stock of such delinquent stockholder may be sold by the directors, at public auction, at the office of the secretary of the corporation, or at the principal office of said corporation, first giving at least thirty days' notice of the time and place of such sale in some daily newspaper (if such be published in the county) or weekly newspaper, if there be no daily newspaper, and
Proceeds of sale, how applied.	the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses of the sale, and the residue, if any, shall be refunded to the owner thereof, and such sale shall
Rights of purchaser.	entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.
Privilege in case of non-payment of assessments.	(2681.) SEC. 11. The said corporation may, if they so elect, instead of forfeiting said stock for non-payment of assessments, collect any and all unpaid installments, or any deficiency remaining unpaid thereon, by suit against the owner of the stock, at the time the installment becomes due and payable; and at any sale of forfeited stock, the corporation may purchase said stock for its own use.
A quorum.	(2682.) SEC. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be
Number that can transact business.	capable of transacting the business of the meeting. Stockholders may vote in person or by proxy duly filed, and at all stockholders' meetings each share shall be entitled to one vote.
Relative to voting.	

(2683.) SEC. 13. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of the State, or of the United States, as they shall deem proper for the management and disposition of the property, affairs, and concerns of said corporation; for prescribing the powers and duties of the officers and all employes of said company; for the appointment of such officers, and the transaction and carrying on of all kinds of business within the objects and purposes of such company, and may alter or amend the same.

Power to make by-laws.

(2684.) SEC. 14. It shall be the duty of the directors to cause a book to be kept by the treasurer or secretary, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such corporation, and showing their places of residence, the number of shares held by each, and the time they became owners, and from whom they were transferred; the amount of stock actually paid in, and the time they ceased to be stockholders, and to whom the stock was transferred, and all liens and claims of the company on the stock of each shareholder; which book shall, during the usual business days and hours, be open for the inspection of stockholders, and of all persons desiring to purchase or take transfers of stock, and of creditors of the company, and creditors of the stockholders, and their personal representatives, at the office of the secretary of such corporation. Such book shall be presumptive evidence of the matters therein stated, in favor of the plaintiff, in any action or proceeding against said company or the stockholder or stockholders. Every officer or agent of such company, whose duty it shall be to keep such book, who shall neglect any proper entry in said book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected as herein provided, shall be deemed guilty of a misdemeanor, and the corporation shall forfeit and pay to the party injured thereby, a penalty of fifty dollars for every such neglect and refusal, and all damages resulting therefrom.

Record of names of stockholders, number of shares, etc.

Record open for inspection at secretary's office

Record shall be presumptive evidence.

Penalty of neglect to enter in record.

(2685.) SEC. 15. The books of said corporation, containing their accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders.

Books open to stockholders.

(2686.) SEC. 16. The stock of every such corporation shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors shall prescribe; and no transfer of stock, made in any other manner, shall be valid for any purpose whatever, except as against the transferer, and to render the transferee liable for the debts and liabilities of the

Stock deemed personal property.

Transfer of stock

Appointment of officers.	(2679.) SEC. 9. The directors shall choose from their number a president, secretary, and treasurer, and shall have power to appoint or employ such other subordinate officers, agents, or employees, as the by-laws of the corporation shall designate, or such as shall be necessary to the proper accomplishment of the purposes of the corporation, and to require any and all officers (including the president), agents, or employees, to give satisfactory security for the faithful performance of their duties, and to prescribe the same, and shall have power to remove such president and other officers, agents, and employees at pleasure, and appoint others.
Satisfactory security.	
Subscriptions, when paid.	(2680.) SEC. 10. The directors may call in the subscription to the capital stock of such corporation, by installments, in such portion and at such times and places as they shall think proper, by giving notice thereof, as the by-laws provide; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, as provided by the by-laws, the stock of such delinquent stockholder may be sold by the directors, at public auction, at the office of the secretary of the corporation, or at the principal office of said corporation, first giving at least thirty days' notice of the time and place of such sale in some daily newspaper (if such be published in the county) or weekly newspaper, if there be no daily newspaper, and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses of the sale, and the residue, if any, shall be refunded to the owner thereof, and such sale shall entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.
Payment refused	
Proceeds of sale, how applied.	
Rights of purchaser.	
Privilege in case of non-payment of assessments.	(2681.) SEC. 11. The said corporation may, if they so elect, instead of forfeiting said stock for non-payment of assessments, collect any and all unpaid installments, or any deficiency remaining unpaid thereon, by suit against the owner of the stock, at the time the installment becomes due and payable; and at any sale of forfeited stock, the corporation may purchase said stock for its own use.
A quorum.	(2682.) SEC. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting. Stockholders may vote in person or by proxy duly filed, and at all stockholders' meetings each share shall be entitled to one vote.
Number that can transact business.	
Relative to voting.	

(2683.) SEC. 13. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of the State, or of the United States, as they shall deem proper for the management and disposition of the property, affairs, and concerns of said corporation; for prescribing the powers and duties of the officers and all employes of said company; for the appointment of such officers, and the transaction and carrying on of all kinds of business within the objects and purposes of such company, and may alter or amend the same.

Power to make by-laws.

(2684.) SEC. 14. It shall be the duty of the directors to cause a book to be kept by the treasurer or secretary, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such corporation, and showing their places of residence, the number of shares held by each, and the time they became owners, and from whom they were transferred; the amount of stock actually paid in, and the time they ceased to be stockholders, and to whom the stock was transferred, and all liens and claims of the company on the stock of each shareholder; which book shall, during the usual business days and hours, be open for the inspection of stockholders, and of all persons desiring to purchase or take transfers of stock, and of creditors of the company, and creditors of the stockholders, and their personal representatives, at the office of the secretary of such corporation. Such book shall be presumptive evidence of the matters therein stated, in favor of the plaintiff, in any action or proceeding against said company or the stockholder or stockholders. Every officer or agent of such company, whose duty it shall be to keep such book, who shall neglect any proper entry in said book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected as herein provided, shall be deemed guilty of a misdemeanor, and the corporation shall forfeit and pay to the party injured thereby, a penalty of fifty dollars for every such neglect and refusal, and all damages resulting therefrom.

Record of names of stockholders, number of shares, etc.

Record open for inspection at secretary's office

Record shall be presumptive evidence.

Penalty of neglect to enter in record.

(2685.) SEC. 15. The books of said corporation, containing their accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders.

Books open to stockholders.

(2686.) SEC. 16. The stock of every such corporation shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors shall prescribe; and no transfer of stock, made in any other manner, shall be valid for any purpose whatever, except as against the transferer, and to render the transferee liable for the debts and liabilities of the

Stock deemed personal property.

Transfer of stock

corporation, according to the provisions of this act: and such corporation shall at all times have a lien upon the stock of its members for the debts due from them to such corporation, notice of which shall be given by the company to all transferees of stock, before making any such transfer on the books of the company, and such lien may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock: and all purchasers at such sale [shall] be entitled to the rights of stockholders.

(2687.) SEC. 17. The stockholders of such corporation shall be jointly, severally, and individually liable for all labor performed for such corporation, which said liability, founded on this statute, may be enforced by suit at law, at any time after an execution in favor of the plaintiff shall be duly returned unsatisfied in whole or in part against said corporation: *Provided always*, That if any or several stockholders shall by any such proceeding be compelled to pay any sum to such creditor, he or they may recover the same in full of the corporation, or may compel the stockholders jointly or severally, or any number of them, to reimburse totally to reimburse him or them, in an action at law or in chancery.

Report, when to be made, etc.

(2688.) SEC. 18. Every corporation hereunder shall annually, in the month of February, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such corporation and remaining unpaid, in whole or in part, which report shall be signed by a majority of the directors, and verified by the oath of the secretary and treasurer, and be filed in the office of the clerk of the county where its articles are filed, and a duplicate thereof in the office of the Secretary of State.

How and on whom service of summons may be made.

(2689.) SEC. 19. Service of any summons, declaration, notice, or other process or paper, upon any incorporation formed under this act, may be made on the president, secretary, or treasurer, if either are to be found within the county where its articles are filed. If neither of them are to be found therein, then such service may be made on any of the directors, or on any person who may be found in the office of the corporation.

Penalty of neglect.

(2690.) SEC. 20. Any corporation which shall intentionally neglect to comply with the provisions of any of the sections of this act, shall be liable to a fine of not more than five hundred dollars, which shall be jointly and severally payable by the directors of the corporation: and the same shall be recoverable by the State, or by any person who may be injured by the neglect, during the term of the corporation.

Penalty incurred by violating this act.

(2691.) SEC. 21. Any person who shall violate any of the provisions of this act, shall be liable to a fine of not more than five hundred dollars, which shall be recoverable by the State, or by any person who may be injured by the violation.

ent, the directors ordering or assenting to such violation shall jointly and severally be liable, in an action founded on this statute, for all debts contracted after such violation.

(2692.) SEC. 22. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs; but nothing in this section contained shall be construed as prohibiting proceedings in any court of competent jurisdiction against any such corporation, to decree a forfeiture for a violation of its corporate rights, privileges, and franchises. The Legislature may repeal, alter, or amend this act. Powers of the Legislature over corporations.

(2693.) SEC. 23. Corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as applicable to corporations formed under this act, and except as herein otherwise provided. Subject to previous provisions.

SEC. 24. This act shall take immediate effect.

CHAPTER LXXXIV.

THE CONSTRUCTION AND IMPROVEMENT OF CANALS OR HARBORS, AND THE IMPROVEMENT OF RIVERS FOR THE PURPOSES OF NAVIGATION.

An Act to provide for the formation of companies to construct canals or harbors.
and improve the same.

[Approved March 13, 1861. Laws of 1861, p. 203.]

SECTION 1. *The People of the State of Michigan enact, That an* Act amended.
act entitled "An act to provide for the formation of companies to
construct canals or harbors, and improve the same," approved

such articles, and as such shall be capable of suing and being sued in all courts, purchasing and acquiring all property necessary to be used in the construction and keeping in repair of said canal, or harbor, or improvement, or any works necessary for the same, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of the Revised Statutes of one thousand eight hundred and forty-six, so far as the same shall be applicable and not inconsistent with the provisions of this act, and shall also have power to issue bonds to the amount of one-half the capital paid in, bearing such rates of interest as shall be directed by the board of directors: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars, nor sold at less than the face thereof, without a vote of the stockholders authorizing the same.¹

By-laws.

Privileges and restrictions.

May issue bonds

Proviso.

(2696.) SEC. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent of the capital subscribed shall have been paid to the directors named in the articles, nor until there is indorsed on said articles or annexed thereto an affidavit of two of the directors that the amount of capital stock required by the first section has been subscribed, and five per cent paid; and no stockholder shall be entitled to vote on any question which shall come before a meeting of the stockholders unless all assessments due on stock standing in his name shall have been paid.¹

Conditions precedent to filing articles.

Stockholders not to vote unless dues are paid.

(2697.) SEC. 4. A copy of said articles, filed in pursuance of this act, certified by the Secretary of State to be a true copy, and of the whole thereof, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.¹

Certified copies of articles to be evidence.

(2698.) SEC. 5. The business and property of such company shall be managed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as the by-laws direct; and public notice shall be given of such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws. The election shall be made by such stockholders as shall attend for that purpose in person or by proxy. Each share shall be entitled to one vote, and the person receiving the greatest number of votes shall be declared elected. All vacancies in the board shall be filled by

Board of directors.

Notice of election.

Each share entitled to a vote.

Vacancies.

¹ Vide note to section 1 of this act.

March thirteenth, in the year of our Lord one thousand eight hundred and sixty-one, and an act amendatory thereto, approved January eighteenth, eighteen hundred and sixty-two, be and the same is hereby amended so as to read as follows :

Corporations
may be formed.

Notice thereof
to be given.

Directors, when
elected.

Articles of
association,
contents of.

Stockholders to
subscribe to
articles.

Articles to be
filed.

Body corporate,
powers of.

(2694.) SECTION 1. Any number of persons, not less than three, may be formed into a corporation for the purpose of constructing a canal or harbor, or improving the navigation of any river or stream in this State, by dredging out the channel, making a new entrance, and constructing canals to straighten the same, or by any of said methods, by complying with the following requirements: Notice shall be given in at least one newspaper printed in each county where the said canal or improvement is proposed to be constructed, at least two weeks, of the time and place or places where books for subscribing to the stock of such company will be opened, and of the estimated cost of said canal or improvement, which notice may be signed by any two persons proposing to enter upon the construction of said canal or improvement. If there be no newspaper printed in such county, then it shall be printed in some newspaper in an adjoining county, if any, or if none, then it shall be printed in some newspaper in the city of Detroit; and in the latter case notices shall also be posted in three of the most public places of the township, city, or village where said meeting is to be held, during the same time; and when stock to the amount of one thousand dollars per mile of such canal or improvement so intended to be built shall be subscribed, and five per cent paid thereon, then the said subscribers, upon due and proper notice, signed by any two of said subscribers, may elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of said company, the number of years the same is to be continued, the amount of capital stock, the number of shares of said stock, the number of directors, the names of those elected to hold office for the first year, the nature and extent of said canal or improvements, and the length thereof, as near as may be.¹

(2695.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him. The said articles shall be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall, from time to time, become stockholders in said company, by assignment or otherwise, shall be a body corporate by the name specified in

¹ As amended by Act 170 of the Laws of 1968, p. 308, approved March 20, 1968.

such articles, and as such shall be capable of suing and being sued in all courts, purchasing and acquiring all property necessary to be used in the construction and keeping in repair of said canal, or harbor, or improvement, or any works necessary for the same, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of the Revised Statutes of one thousand eight hundred and forty-six, so far as the same shall be applicable and not inconsistent with the provisions of this act, and shall also have power to issue bonds to the amount of one-half the capital paid in, bearing such rates of interest as shall be directed by the board of directors: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars, nor sold at less than the face thereof, without a vote of the stockholders authorizing the same.¹

By-laws.

Privileges and restrictions.

May issue bonds

Proviso.

(2696.) SEC. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent of the capital subscribed shall have been paid to the directors named in the articles, nor until there is indorsed on said articles or annexed thereto an affidavit of two of the directors that the amount of capital stock required by the first section has been subscribed, and five per cent paid; and no stockholder shall be entitled to vote on any question which shall come before a meeting of the stockholders unless all assessments due on stock standing in his name shall have been paid.¹

Conditions precedent to filing articles.

Stockholders not to vote unless dues are paid.

(2697.) SEC. 4. A copy of said articles, filed in pursuance of this act, certified by the Secretary of State to be a true copy, and of the whole thereof, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.¹

Certified copies of articles to be evidence.

(2698.) SEC. 5. The business and property of such company shall be managed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as the by-laws direct; and public notice shall be given of such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws. The election shall be made by such stockholders as shall attend for that purpose in person or by proxy. Each share shall be entitled to one vote, and the person receiving the greatest number of votes shall be declared elected. All vacancies in the board shall be filled by

Board of directors.

Notice of election.

Each share entitled to a vote.

Vacancies.

¹ Vide note to section 1 of this act.

the remaining directors until another election. In case the election of directors is not held on the day fixed by the by-laws, it may be held on any day thereafter fixed by the board, on giving the same notice of the time and place as in case of an annual election.¹

Officers of board.

(2699.) SEC. 6. A majority of the directors shall be a board for the transaction of business. At the first meeting after their election, they may elect one of their number president and appoint such other officers as the articles of association or by-laws require.¹

Powers of president and directors.

(2700.) SEC. 7. The president and directors shall have power to make and prescribe such rules and regulations, respecting the transfer of the stock, either before its full payment or thereafter, and for the general management of the affairs of said association, as they may deem proper, not inconsistent with the laws of this State, and shall have power to appoint and employ officers, clerks, agents, and servants, for conducting and carrying on the business of said corporation, and fix the salaries or compensation to be paid to them. It shall be the duty of the said president and directors to make, verified by the oath of some one of them, an annual report to the Secretary of State, on the first day of January in each year, showing—

Annual report

First. The capital stock, and the amount actually paid in;

Second. The amount expended, and for what purpose;

Third. The amounts received from tolls and from all other sources, distinguishing from what sources;

Fourth. The number and amount of dividends, and how paid;

Fifth. The number of men employed, and their occupation.¹

Location of route.

(2701.) SEC. 8. It shall be lawful for such company, their officers, engineers, and agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of any such canal, harbor, or the improvement of any such river or stream, doing thereto no unnecessary damage, and paying any damage which may accrue; but said company shall not locate any such canal through any orchard over one year old, or garden, without the consent of the owner, or through any building or fixtures, or any yard or inclosure necessary for the use or enjoyment thereof, without the like consent; and when the said route or improvement shall be established by the said company, it shall be lawful for them, their officers and servants, to enter upon, take possession of and use such lands, to the width of two hundred feet, as said company shall have purchased or obtained from the owners or occupants the right to use, and also to take and use any other lands

Not to be located through orchard etc., without consent.

When route is located, company may enter upon lands.

¹ Vide note to section 1 of this act.

which may be necessary for the construction of said canal, or the improvement of the navigation of such river, or the erection of any locks, gates, toll-houses, or other fixtures, or the construction of any dam that may be necessary to raise the water for the purposes of washing out any channel or harbor: *Provided*, If such dam shall obstruct any channel navigable for vessels, it shall be made during the winter months and removed before the opening of navigation, the necessity for such taking, and the damages to be paid therefor, being first ascertained, and such damages paid, as hereinafter provided.¹

(2702.) SEC. 9. Said corporations shall not, in their corporate capacity, hold, purchase, or deal in any lands other than lands donated to said corporations to aid in constructing said improvements, or the lands in which their canals shall run, to the width of three hundred feet on each side of such canals, or which are donated to or purchased by said corporation, for wharves or docking purposes, or which may actually be necessary for the construction and maintenance of the canals or improvements, or the fixtures connected therewith.¹

(2703.) SEC. 10. Whenever said company shall desire to enter upon, use, or occupy any lands, or condemn any franchise or right to the use of running water, when no agreement can be made with the owners thereof, the like proceedings shall be had and taken as is provided in "An act to provide for the incorporation of railroad companies," and the acts amendatory thereto; and after the payment or tender of such damages as shall be then ascertained, may enter upon and take the lands so appraised, for the purposes of constructing said canal; harbors, or making the improvement in such river, its fixtures and appurtenances.¹

(2704.) SEC. 11. Any such company shall be authorized to charge, demand, and receive such rates of toll for the use of said canal or harbor, or for the use of any river or stream of this State, improved by said company, or for any dock, wharf, or other improvements, as may be established by three commissioners, who shall be appointed by the board of supervisors of the county where the tolls are collected, or in which the greater part of such improvements shall be constructed. Said commissioners, after making a personal examination of such canal or improvement, shall fix and establish the rate of tolls and charges for each boat, vessel, raft, or craft of any descrip-

Proviso.

Corporation not to hold lands other than those donated.

Proceedings to ascertain damages for entering upon lands.

After payment of damages, may use lands.

Commissioners to establish rates of toll.

¹ Vide note to section 1.

² As amended by Act 230 of the Laws of 1865, p. 490, approved and took effect March 18, 1865.

	tion using said canal or passing through said improved river, or any of the works of said company, and upon the goods, merchandise, or other cargo on said boat or vessel, which said tolls or charges shall be a lien upon the boat or vessel using any of the improvements of said company, or having such goods or merchandise on board, and may be collected under the provisions of an act entitled "An act to repeal chapter one hundred and twenty-two of the Revised Statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water-craft," approved February fifth, in the year of our Lord eighteen hundred and sixty-four, and shall be collected in the distribution of funds, as provided by section thirty-three of said act, under the fourth specification of said section; and it shall be the duty of the master or clerk of any such boat or vessel, on demand of the collector or any other person authorized by said company to receive or collect such tolls or charges, to give such collector, or other person so authorized, a true and correct statement of all goods, merchandise, or other cargo on said boat or vessel, and subject to pay any toll or charges, which statement shall be verified by the oath of the master or clerk of such vessel or boat. Said board of commissioners shall deliver a certified copy of such rates of tolls or charges to such company, a printed copy of which shall always be posted up at such place where toll is demanded, and the board shall file another copy with the Secretary of State, which shall be duly recorded in his office. A certified copy of such record may be read in evidence in any court of this State, and shall be sufficient proof of the rates of tolls and charges due on any boat or vessel, or any goods, merchandise, or other cargo: <i>Provided however</i> , That no charge whatever shall be made for the use of any river, where such improvement has been made, for any boat, vessel, raft, or craft of any description, which might or could have used said river before said improvement had been made: <i>Provided further</i> , That the said board shall, in determining the rates of toll or charges, declare what boats or vessels or rafts are entitled to use said river free of charge. ¹
Tolls a lien upon boats and vessels.	
How collected.	
Master or clerk of boat to give statement.	
Copy of rates to be posted and filed.	
Certified copy may be given in evidence.	
Certain crafts not to pay toll.	
Penalty for injuring improvements.	(2705.) SEC. 12. If any person shall willfully obstruct, or in any wise injure any such canal, harbor, or improvements, or any dock, wharf, or other fixture connected therewith, or shall violate any rule or regulation established by said company, such person, or such boat or vessel, or other craft, as the said company may elect, shall be liable for all damages done or committed; and said damages,

¹ Vide note to section 9 of this act.

if against the person, may be recovered in an action of trespass, and if proved to have been done willfully, treble damages may be recovered. Any such claim for damages, if the company shall so elect, shall be a lien on any such boat or vessel, or other craft, and such lien may be enforced under the existing provisions of the law therefor.¹

(2706.) SEC. 13. Whenever any canal shall cross any highway, the company shall make and keep in good repair such bridges as the board of supervisors of the county in which such canal is located shall direct.²

(2707.) SEC. 14. The stockholders of said companies, incorporated under this act, shall be jointly and severally liable for all labor performed for such company; but no suit shall be brought against any individual stockholder for any debt of said company until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part; and any stockholder who has paid any debt of such company, either voluntarily or otherwise, shall have the right to sue and recover of such company the full amount thereof, with interest, cost, and expenses; and in case of failure to recover the amount from said company, may sue the said stockholders, or any one of them, for their due proportion thereof which such stockholder ought to pay; and if such action for contribution shall be brought against more than one, the judgment shall specify the sum due and to be recovered from each of the defendants named.³

(2708.) SEC. 15. Any boat, vessel, raft, or craft which shall willfully pass through said canal or said improvement without paying the toll required, shall be liable to pay to said company the sum of one hundred dollars, to be collected by proceeding against said boat, or against the owners thereof, by attachment or otherwise.⁴

(2709.) SEC. 16. The Legislature shall, at all times hereafter, have the free right to alter, amend, or repeal this act.⁵

(2710.) SEC. 17. Every corporation formed under the provisions of this act, shall pay on the capital stock of said company all taxes assessed thereon for State, county, township, or other purposes, upon the property of said company, whether real, personal, or mixed, except penalties imposed by this act, the said tax to be estimated upon the last annual report of said corporation.⁶

(2711.) SEC. 18. Any persons, or private associations, or corporations, who have, previous to the passage of this amended act,

Damages, how recovered.

Canal across highway to be bridged.

Stockholders jointly liable for labor performed. Suit, when brought.

Stockholders may recover amount paid for company.

Penalty for attempt to avoid toll.

Legislature may amend.

Tax.

Corporations already formed may organize under this act.

¹ As amended by Act 86 of the Laws of 1861, p. 76, approved February 5, 1864.

² Vide note to section 1 of this act.

³ Vide note to section 12 of this act.

Stock of members liable for debts due corporation.	<p>corporation, according to the provisions of this act; and such corporation shall at all times have a lien upon the stock of its members for all the debts due from them to such corporation, notice of which shall be given by the company to all transferees of stock, before making any such transfer on the books of the company, which lien may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale [shall] be entitled to the rights of stockholders.</p>
Lien enforced by sale of stock.	<p>(2687.) SEC. 17. The stockholders of such corporation shall be jointly, severally, and individually liable for all labor performed for such corporation, which said liability, founded on this statute, may be enforced by suit at law, at any time after an execution in favor of the plaintiff shall be duly returned unsatisfied in whole or in part against said corporation: <i>Provided always</i>, That if any or several stockholders shall by any such proceeding be compelled to pay any sum to such creditor, he or they may recover the same in full of the corporation, or may compel the stockholders, jointly or severally, or any number of them, to contribute ratably to reimburse him or them, in an action at law or in chancery.</p>
Liabilities of stockholders for labor.	<p>(2688.) SEC. 18. Every corporation hereunder shall annually, in the month of February, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such corporation and remaining unpaid, in whole or in part, which report shall be signed by a majority of the directors, and verified by the oath of the secretary and treasurer, and be filed in the office of the clerk of the county where its articles are filed, and a duplicate thereof in the office of the Secretary of State.</p>
Report, when to be made, etc.	<p>(2689.) SEC. 19. Service of any summons, declaration, notice, or other process or paper, upon any incorporation formed under this act, may be made on the president, secretary, or treasurer, if either are to be found within the county where these articles are filed. If neither of them can be found therein, then such service may be made by posting a true and certified copy thereof in some conspicuous place at the office of the secretary or at the general office of said corporation.</p>
How and on whom service of summons may be made.	<p>(2690.) SEC. 20. If the directors of any such corporation shall intentionally neglect or refuse to comply with any of the provisions of, and to perform the duties required of them by this act, they shall be jointly and severally liable in an action founded on this statement [statute], for all the debts of such corporation contracted during the period of such neglect or refusal.</p>
Penalty of neglect.	<p>(2691.) SEC. 21. If any such corporation shall willfully violate any of the provisions of this act, and shall thereby become insolvent,</p>
Insolvency caused by violating this act.	

ent, the directors ordering or assenting to such violation shall jointly and severally be liable, in an action founded on this statute, for all debts contracted after such violation.

(2692.) SEC. 22. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs; but nothing in this section contained shall be construed as prohibiting proceedings in any court of competent jurisdiction against any such corporation, to decree a forfeiture for a violation of its corporate rights, privileges, and franchises. The Legislature may repeal, alter, or amend this act. Powers of the Legislature over corporations.

(2693.) SEC. 23. Corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as applicable to corporations formed under this act, and except as herein otherwise provided. Subject to previous provisions.

SEC. 24. This act shall take immediate effect.

CHAPTER LXXXIV.

THE CONSTRUCTION AND IMPROVEMENT OF CANALS OR HARBORS, AND THE IMPROVEMENT OF RIVERS FOR THE PURPOSES OF NAVIGATION.

An Act to provide for the formation of companies to construct canals or harbors,
and improve the same.

[Approved March 13, 1861. Laws of 1861, p. 203.]

SECTION 1. *The People of the State of Michigan enact, That an* Act amended.
act entitled "An act to provide for the formation of companies to
construct canals or harbors, and improve the same," approved

... and an act amendatory thereto, approved

... eighteen hundred and sixty-two, be and the

... amended so as to read as follows:

SECTION 1. Any number of persons, not less than three, may be associated into a corporation for the purpose of constructing a harbor, or improving the navigation of any river or stream, or constructing canals to straighten the same, or by any of said methods, by dredging out the channel, making a new entrance, shall be given in at least one newspaper printed in each county where the said canal or improvement is proposed to be constructed, at least two weeks, of the time and place or places where books for subscribing to the stock of such company will be opened, and of the estimated cost of said canal or improvement, which notice may be signed by any two persons proposing to enter upon the construction of said canal or improvement. If there be no newspaper printed in such county, then it shall be printed in some newspaper in an adjoining county, if any, or if none, then it shall be printed in some newspaper in the city of Detroit; and in the latter case notices shall also be posted in three of the most public places of the township, city, or village where said meeting is to be held, during the same time: and when stock to the amount of one thousand dollars per mile of such canal or improvement so intended to be built shall be subscribed, and five per cent paid thereon, then the said subscribers, upon due and proper notice, signed by any two of said subscribers, may elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of said company, the number of years the same is to be continued, the amount of capital stock, the number of shares of said stock, the number of directors, the names of three elected to hold office for the first year, the nature and extent of said canal or improvements, and the length thereof, as may be.

Each subscriber to such articles of association shall submit thereto his name and place of residence, and the number of shares of stock taken by him. The said articles shall be filed with the Secretary of State, and thereupon the same shall be subscribed, and all persons who shall, from the time of the subscription, be subscribers in said company, by assignment or otherwise, shall be a body corporate by the name specified in

such articles, and as such shall be capable of suing and being sued in all courts, purchasing and acquiring all property necessary to be used in the construction and keeping in repair of said canal, or harbor, or improvement, or any works necessary for the same, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of the Revised Statutes of one thousand eight hundred and forty-six, so far as the same shall be applicable and not inconsistent with the provisions of this act, and shall also have power to issue bonds to the amount of one-half the capital paid in, bearing such rates of interest as shall be directed by the board of directors: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars, nor sold at less than the face thereof, without a vote of the stockholders authorizing the same.¹

By-laws.

Privileges and restrictions.

May issue bonds

Proviso.

(2696.) SEC. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent of the capital subscribed shall have been paid to the directors named in the articles, nor until there is indorsed on said articles or annexed thereto an affidavit of two of the directors that the amount of capital stock required by the first section has been subscribed, and five per cent paid; and no stockholder shall be entitled to vote on any question which shall come before a meeting of the stockholders unless all assessments due on stock standing in his name shall have been paid.¹

Conditions precedent to filing articles.

Stockholders not to vote unless dues are paid.

(2697.) SEC. 4. A copy of said articles, filed in pursuance of this act, certified by the Secretary of State to be a true copy, and of the whole thereof, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.¹

Certified copies of articles to be evidence.

(2698.) SEC. 5. The business and property of such company shall be managed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as the by-laws direct; and public notice shall be given of such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws. The election shall be made by such stockholders as shall attend for that purpose in person or by proxy. Each share shall be entitled to one vote, and the person receiving the greatest number of votes shall be declared elected. All vacancies in the board shall be filled by

Board of directors.

Notice of election.

Each share entitled to a vote.

Vacancies.

¹ Vide note to section 1 of this act.

March thirteenth, in the year of our Lord one thousand eight hundred and sixty-one, and an act amendatory thereto, approved January eighteenth, eighteen hundred and sixty-two, be and the same is hereby amended so as to read as follows:

Corporations
may be formed.

(2694.) SECTION 1. Any number of persons, not less than three, may be formed into a corporation for the purpose of constructing a canal or harbor, or improving the navigation of any river or stream in this State, by dredging out the channel, making a new entrance, and constructing canals to straighten the same, or by any of said methods, by complying with the following requirements: Notice shall be given in at least one newspaper printed in each county where the said canal or improvement is proposed to be constructed, at least two weeks, of the time and place or places where books for subscribing to the stock of such company will be opened, and of the estimated cost of said canal or improvement, which notice may be signed by any two persons proposing to enter upon the construction of said canal or improvement. If there be no newspaper printed in such county, then it shall be printed in some newspaper in an adjoining county, if any, or if none, then it shall be printed in some newspaper in the city of Detroit; and in the latter case notices shall also be posted in three of the most public places of the township, city, or village where said meeting is to be held, during the same time; and when stock to the amount of one thousand dollars per mile of such canal or improvement so intended to be built shall be subscribed, and five per cent paid thereon, then the said subscribers, upon due and proper notice, signed by any two of said subscribers, may elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of said company, the number of years the same is to be continued, the amount of capital stock, the number of shares of said stock, the number of directors, the names of those elected to hold office for the first year, the nature and extent of said canal or improvements, and the length thereof, as near as may be.¹

Notice thereof
to be given.

Directors, when
elected.

Articles of
association,
contents of.

Stockholders to
subscribe to
articles.

Articles to be
filed.

Body corporate,
powers of.

(2695.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him. The said articles shall be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall, from time to time, become stockholders in said company, by assignment or otherwise, shall be a body corporate by the name specified in

¹ As amended by Act 170 of the Laws of 1968, p. 308, approved March 20, 1968.

such articles, and as such shall be capable of suing and being sued in all courts, purchasing and acquiring all property necessary to be used in the construction and keeping in repair of said canal, or harbor, or improvement, or any works necessary for the same, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of the Revised Statutes of one thousand eight hundred and forty-six, so far as the same shall be applicable and not inconsistent with the provisions of this act, and shall also have power to issue bonds to the amount of one-half the capital paid in, bearing such rates of interest as shall be directed by the board of directors: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars, nor sold at less than the face thereof, without a vote of the stockholders authorizing the same.¹

By-laws.

Privileges and restrictions.

May issue bonds

Proviso.

(2696.) SEC. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent of the capital subscribed shall have been paid to the directors named in the articles, nor until there is indorsed on said articles or annexed thereto an affidavit of two of the directors that the amount of capital stock required by the first section has been subscribed, and five per cent paid; and no stockholder shall be entitled to vote on any question which shall come before a meeting of the stockholders unless all assessments due on stock standing in his name shall have been paid.¹

Conditions precedent to filing articles.

Stockholders not to vote unless dues are paid.

(2697.) SEC. 4. A copy of said articles, filed in pursuance of this act, certified by the Secretary of State to be a true copy, and of the whole thereof, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.¹

Certified copies of articles to be evidence.

(2698.) SEC. 5. The business and property of such company shall be managed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as the by-laws direct; and public notice shall be given of such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws. The election shall be made by such stockholders as shall attend for that purpose in person or by proxy. Each share shall be entitled to one vote, and the person receiving the greatest number of votes shall be declared elected. All vacancies in the board shall be filled by

Board of directors.

Notice of election.

Each share entitled to a vote.

Vacancies.

¹ Vide note to section 1 of this act.

the remaining directors until another election. In case the election of directors is not held on the day fixed by the by-laws, it may be held on any day thereafter fixed by the board, on giving the same notice of the time and place as in case of an annual election.¹

Officers of board. (2699.) SEC. 6. A majority of the directors shall be a board for the transaction of business. At the first meeting after their election, they may elect one of their number president and appoint such other officers as the articles of association or by-laws require.¹

Powers of president and directors. (2700.) SEC. 7. The president and directors shall have power to make and prescribe such rules and regulations, respecting the transfer of the stock, either before its full payment or thereafter, and for the general management of the affairs of said association, as they may deem proper, not inconsistent with the laws of this State, and shall have power to appoint and employ officers, clerks, agents, and servants, for conducting and carrying on the business of said corporation, and fix the salaries or compensation to be paid to them. It shall be the duty of the said president and directors to make, verified by the oath of some one of them, an annual report to the Secretary of State, on the first day of January in each year, showing—

First. The capital stock, and the amount actually paid in;

Second. The amount expended, and for what purpose;

Third. The amounts received from tolls and from all other sources, distinguishing from what sources;

Fourth. The number and amount of dividends, and how paid;

Fifth. The number of men employed, and their occupation.¹

Location of route. (2701.) SEC. 8. It shall be lawful for such company, their officers, engineers, and agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of any such canal, harbor, or the improvement of any such river or stream, doing thereto no unnecessary damage, and paying any damage which may accrue; but said company shall not locate any such canal through any orchard over one year old, or garden, without the consent of the owner, or through any building or fixtures, or any yard or inclosure necessary for the use or enjoyment thereof, without the like consent; and when the said route or improvement shall be established by the said company, it shall be lawful for them, their officers and servants, to enter upon, take possession of and use such lands, to the width of two hundred feet, as said company shall have purchased or obtained from the owners or occupants the right to use, and also to take and use any other lands

Not to be located through orchard etc., without consent.

When route is located, company may enter upon lands.

¹ Vide note to section 1 of this act.

which may be necessary for the construction of said canal, or the improvement of the navigation of such river, or the erection of any locks, gates, toll-houses, or other fixtures, or the construction of any dam that may be necessary to raise the water for the purposes of washing out any channel or harbor: *Provided*, If such dam shall obstruct any channel navigable for vessels, it shall be made during the winter months and removed before the opening of navigation, the necessity for such taking, and the damages to be paid therefor, being first ascertained, and such damages paid, as hereinafter provided.¹

Proviso.

(2702.) SEC. 9. Said corporations shall not, in their corporate capacity, hold, purchase, or deal in any lands other than lands donated to said corporations to aid in constructing said improvements, or the lands in which their canals shall run, to the width of three hundred feet on each side of such canals, or which are donated to or purchased by said corporation, for wharves or docking purposes, or which may actually be necessary for the construction and maintenance of the canals or improvements, or the fixtures connected therewith.¹

Corporation not to hold lands other than those donated.

(2703.) SEC. 10. Whenever said company shall desire to enter upon, use, or occupy any lands, or condemn any franchise or right to the use of running water, when no agreement can be made with the owners thereof, the like proceedings shall be had and taken as is provided in "An act to provide for the incorporation of railroad companies," and the acts amendatory thereto; and after the payment or tender of such damages as shall be then ascertained, may enter upon and take the lands so appraised, for the purposes of constructing said canal; harbors, or making the improvement in such river, its fixtures and appurtenances.²

Proceedings to ascertain damages for entering upon lands.

After payment of damages, may use lands.

(2704.) SEC. 11. Any such company shall be authorized to charge, demand, and receive such rates of toll for the use of said canal or harbor, or for the use of any river or stream of this State, improved by said company, or for any dock, wharf, or other improvements, as may be established by three commissioners, who shall be appointed by the board of supervisors of the county where the tolls are collected, or in which the greater part of such improvements shall be constructed. Said commissioners, after making a personal examination of such canal or improvement, shall fix and establish the rate of tolls and charges for each boat, vessel, raft, or craft of any descrip-

Commissioners to establish rates of toll.

¹ Vide note to section 1.

² As amended by Act 280 of the Laws of 1865, p. 490, approved and took effect March 18, 1865.

Tolls a lien upon boats and vessels.	tion using said canal or passing through said improved river, or any of the works of said company, and upon the goods, merchandise, or other cargo on said boat or vessel, which said tolls or charges shall be a lien upon the boat or vessel using any of the improvements of said company, or having such goods or merchandise on board, and may be collected under the provisions of an act entitled
How collected.	"An act to repeal chapter one hundred and twenty-two of the Revised Statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water-craft," approved February fifth, in the year of our Lord eighteen hundred and sixty-four, and shall be collected in the distribution of funds, as provided by section thirty-three of said act, under the fourth specification of said section; and it shall be the duty of the master or clerk of any such boat or vessel, on demand of the collector or any other person authorized by said company to receive or collect such tolls or charges, to give such collector, or other person so authorized, a true and correct statement of all goods, merchandise, or other cargo on said boat or vessel, and subject to pay any toll or charges, which statement shall be verified by the oath of the master or clerk of such vessel or boat. Said
Master or clerk of boat to give statement.	board of commissioners shall deliver a certified copy of such rates of tolls or charges to such company, a printed copy of which shall always be posted up at such place where toll is demanded, and the board shall file another copy with the Secretary of State, which shall be duly recorded in his office. A certified copy of such record may be read in evidence in any court of this State, and shall be sufficient proof of the rates of tolls and charges due on any boat or vessel, or any goods, merchandise, or other cargo: <i>Provided</i>
Copy of rates to be posted and filed.	<i>however</i> , That no charge whatever shall be made for the use of any river, where such improvement has been made, for any boat, vessel, raft, or craft of any description, which might or could have used said river before said improvement had been made: <i>Provided further</i> , That the said board shall, in determining the rates of toll or charges, declare what boats or vessels or rafts are entitled to use said river free of charge. ¹
Certified copy may be given in evidence.	(2705.) SEC. 12. If any person shall willfully obstruct, or in any wise injure any such canal, harbor, or improvements, or any dock, wharf, or other fixture connected therewith, or shall violate any rule or regulation established by said company, such person, or such boat or vessel, or other craft, as the said company may elect, shall be liable for all damages done or committed; and said damages,
Certain crafts not to pay toll.	
Penalty for injuring improvements.	

¹ Vide note to section 9 of this act.

if against the person, may be recovered in an action of trespass, and if proved to have been done willfully, treble damages may be recovered. Any such claim for damages, if the company shall so elect, shall be a lien on any such boat or vessel, or other craft, and such lien may be enforced under the existing provisions of the law therefor.¹

(2706.) SEC. 13. Whenever any canal shall cross any highway, the company shall make and keep in good repair such bridges as the board of supervisors of the county in which such canal is located shall direct.²

(2707.) SEC. 14. The stockholders of said companies, incorporated under this act, shall be jointly and severally liable for all labor performed for such company; but no suit shall be brought against any individual stockholder for any debt of said company until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part; and any stockholder who has paid any debt of such company, either voluntarily or otherwise, shall have the right to sue and recover of such company the full amount thereof, with interest, cost, and expenses; and in case of failure to recover the amount from said company, may sue the said stockholders, or any one of them, for their due proportion thereof which such stockholder ought to pay; and if such action for contribution shall be brought against more than one, the judgment shall specify the sum due and to be recovered from each of the defendants named.³

(2708.) SEC. 15. Any boat, vessel, raft, or craft which shall willfully pass through said canal or said improvement without paying the toll required, shall be liable to pay to said company the sum of one hundred dollars, to be collected by proceeding against said boat, or against the owners thereof, by attachment or otherwise.⁴

(2709.) SEC. 16. The Legislature shall, at all times hereafter, have the free right to alter, amend, or repeal this act.⁵

(2710.) SEC. 17. Every corporation formed under the provisions of this act, shall pay on the capital stock of said company all taxes assessed thereon for State, county, township, or other purposes, upon the property of said company, whether real, personal, or mixed, except penalties imposed by this act, the said tax to be estimated upon the last annual report of said corporation.⁶

(2711.) SEC. 18. Any persons, or private associations, or corporations, who have, previous to the passage of this amended act,

Damages, how recovered.

Canal across highway to be bridged.

Stockholders jointly liable for labor performed. Suit, when brought.

Stockholders may recover amount paid for company.

Penalty for attempt to avoid toll.

Legislature may amend.

Corporations already formed may organize under this act.

¹ As amended by Act 26 of the Laws of 1861, p. 76, approved February 5, 1864.

² Vide note to section 1 of this act.

³ Vide note to section 13 of this act.

Stock of mem- bers liable for debts due cor- poration.	<p>corporation, according to the provisions of this act; and such corporation shall at all times have a lien upon the stock of its members for all the debts due from them to such corporation, notice of which shall be given by the company to all transferees of stock, before making any such transfer on the books of the company, which lien may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale [shall] be entitled to the rights of stockholders.</p>
Lien enforced by sale of stock.	
Liabilities of stockholders for labor.	<p>(2687.) SEC. 17. The stockholders of such corporation shall be jointly, severally, and individually liable for all labor performed for such corporation, which said liability, founded on this statute, may be enforced by suit at law, at any time after an execution in favor of the plaintiff shall be duly returned unsatisfied in whole or in part against said corporation: <i>Provided always</i>, That if any or several stockholders shall by any such proceeding be compelled to pay any sum to such creditor, he or they may recover the same in full of the corporation, or may compel the stockholders, jointly or severally, or any number of them, to contribute ratably to reimburse him or them, in an action at law or in chancery.</p>
Proviso.	
Report, when to be made, etc.	<p>(2688.) SEC. 18. Every corporation hereunder shall annually, in the month of February, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such corporation and remaining unpaid, in whole or in part, which report shall be signed by a majority of the directors, and verified by the oath of the secretary and treasurer, and be filed in the office of the clerk of the county where its articles are filed, and a duplicate thereof in the office of the Secretary of State.</p>
How and on whom service of summons may be made.	<p>(2689.) SEC. 19. Service of any summons, declaration, notice, or other process or paper, upon any incorporation formed under this act, may be made on the president, secretary, or treasurer, if either are to be found within the county where these articles are filed. If neither of them can be found therein, then such service may be made by posting a true and certified copy thereof in some conspicuous place at the office of the secretary or at the general office of said corporation.</p>
Penalty of neg- lect.	<p>(2690.) SEC. 20. If the directors of any such corporation shall intentionally neglect or refuse to comply with any of the provisions of, and to perform the duties required of them by this act, they shall be jointly and severally liable in an action founded on this statement [statute], for all the debts of such corporation contracted during the period of such neglect or refusal.</p>
Insolvency caused by vio- lating this act.	<p>(2691.) SEC. 21. If any such corporation shall willfully violate any of the provisions of this act, and shall thereby become insolv-</p>

ent, the directors ordering or assenting to such violation shall jointly and severally be liable, in an action founded on this statute, for all debts contracted after such violation.

(2692.) SEC. 22. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs; but nothing in this section contained shall be construed as prohibiting proceedings in any court of competent jurisdiction against any such corporation, to decree a forfeiture for a violation of its corporate rights, privileges, and franchises. The Legislature may repeal, alter, or amend this act. Powers of the Legislature over corporations.

(2693.) SEC. 23. Corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as applicable to corporations formed under this act, and except as herein otherwise provided. Subject to previous provisions.

SEC. 24. This act shall take immediate effect.

CHAPTER LXXXIV.

THE CONSTRUCTION AND IMPROVEMENT OF CANALS OR HARBORS, AND THE IMPROVEMENT OF RIVERS FOR THE PURPOSES OF NAVIGATION.

An Act to provide for the formation of companies to construct canals or harbors.
and improve the same.

[Approved March 13, 1861. Laws of 1861, p. 203.]

SECTION 1. *The People of the State of Michigan enact, That an* Act amended.
act entitled "An act to provide for the formation of companies to
construct canals or harbors, and improve the same," approved

March thirteenth, in the year of our Lord one thousand eight hundred and sixty-one, and an act amendatory thereto, approved January eighteenth, eighteen hundred and sixty-two, be and the same is hereby amended so as to read as follows :

Corporations
may be formed.

Notice thereof
to be given.

Directors, when
elected.

Articles of
association,
contents of.

Stockholders to
subscribe to
articles.

Articles to be
filed.

Body corporate,
powers of.

(2694.) SECTION 1. Any number of persons, not less than three, may be formed into a corporation for the purpose of constructing a canal or harbor, or improving the navigation of any river or stream in this State, by dredging out the channel, making a new entrance, and constructing canals to straighten the same, or by any of said methods, by complying with the following requirements: Notice shall be given in at least one newspaper printed in each county where the said canal or improvement is proposed to be constructed, at least two weeks, of the time and place or places where books for subscribing to the stock of such company will be opened, and of the estimated cost of said canal or improvement, which notice may be signed by any two persons proposing to enter upon the construction of said canal or improvement. If there be no newspaper printed in such county, then it shall be printed in some newspaper in an adjoining county, if any, or if none, then it shall be printed in some newspaper in the city of Detroit; and in the latter case notices shall also be posted in three of the most public places of the township, city, or village where said meeting is to be held, during the same time; and when stock to the amount of one thousand dollars per mile of such canal or improvement so intended to be built shall be subscribed, and five per cent paid thereon, then the said subscribers, upon due and proper notice, signed by any two of said subscribers, may elect directors for the said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of said company, the number of years the same is to be continued, the amount of capital stock, the number of shares of said stock, the number of directors, the names of those elected to hold office for the first year, the nature and extent of said canal or improvements, and the length thereof, as near as may be.¹

(2695.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him. The said articles shall be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall, from time to time, become stockholders in said company, by assignment or otherwise, shall be a body corporate by the name specified in

¹ As amended by Act 170 of the Laws of 1903, p. 308, approved March 20, 1903.

such articles, and as such shall be capable of suing and being sued in all courts, purchasing and acquiring all property necessary to be used in the construction and keeping in repair of said canal, or harbor, or improvement, or any works necessary for the same, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of the Revised Statutes of one thousand eight hundred and forty-six, so far as the same shall be applicable and not inconsistent with the provisions of this act, and shall also have power to issue bonds to the amount of one-half the capital paid in, bearing such rates of interest as shall be directed by the board of directors: *Provided*, That no such bond shall be issued for a less sum than one hundred dollars, nor sold at less than the face thereof, without a vote of the stockholders authorizing the same.¹

By-laws.

Privileges and restrictions.

May issue bonds

Proviso.

(2696.) SEC. 3. Such articles of association shall not be filed in the office of the Secretary of State until five per cent of the capital subscribed shall have been paid to the directors named in the articles, nor until there is indorsed on said articles or annexed thereto an affidavit of two of the directors that the amount of capital stock required by the first section has been subscribed, and five per cent paid; and no stockholder shall be entitled to vote on any question which shall come before a meeting of the stockholders unless all assessments due on stock standing in his name shall have been paid.¹

Conditions precedent to filing articles.

Stockholders not to vote unless dues are paid.

(2697.) SEC. 4. A copy of said articles, filed in pursuance of this act, certified by the Secretary of State to be a true copy, and of the whole thereof, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.¹

Certified copies of articles to be evidence.

(2698.) SEC. 5. The business and property of such company shall be managed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, at such time and place as the by-laws direct; and public notice shall be given of such election, not less than twenty days previous thereto, in such manner as shall be prescribed by the by-laws. The election shall be made by such stockholders as shall attend for that purpose in person or by proxy. Each share shall be entitled to one vote, and the person receiving the greatest number of votes shall be declared elected. All vacancies in the board shall be filled by

Board of directors.

Notice of election.

Each share entitled to a vote.

Vacancies.

¹ Vide note to section 1 of this act.

the remaining directors until another election. In case the election of directors is not held on the day fixed by the by-laws, it may be held on any day thereafter fixed by the board, on giving the same notice of the time and place as in case of an annual election.¹

Officers of board. (2699.) SEC. 6. A majority of the directors shall be a board for the transaction of business. At the first meeting after their election, they may elect one of their number president and appoint such other officers as the articles of association or by-laws require.¹

Powers of president and directors. (2700.) SEC. 7. The president and directors shall have power to make and prescribe such rules and regulations, respecting the transfer of the stock, either before its full payment or thereafter, and for the general management of the affairs of said association, as they may deem proper, not inconsistent with the laws of this State, and shall have power to appoint and employ officers, clerks, agents, and servants, for conducting and carrying on the business of said corporation, and fix the salaries or compensation to be paid to them. It shall be the duty of the said president and directors to make, verified by the oath of some one of them, an annual report to the Secretary of State, on the first day of January in each year, showing—

First. The capital stock, and the amount actually paid in;

Second. The amount expended, and for what purpose;

Third. The amounts received from tolls and from all other sources, distinguishing from what sources;

Fourth. The number and amount of dividends, and how paid;

Fifth. The number of men employed, and their occupation.¹

Location of route. (2701.) SEC. 8. It shall be lawful for such company, their officers, engineers, and agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of any such canal, harbor, or the improvement of any such river or stream, doing thereto no unnecessary damage, and paying any damage which may accrue; but said company shall not locate any such canal through any orchard over one year old, or garden, without the consent of the owner, or through any building or fixtures, or any yard or inclosure necessary for the use or enjoyment thereof, without the like consent; and when the said route or improvement shall be established by the said company, it shall be lawful for them, their officers and servants, to enter upon, take possession of and use such lands, to the width of two hundred feet, as said company shall have purchased or obtained from the owners or occupants the right to use, and also to take and use any other lands

Not to be located through orchard etc., without consent.

When route is located, company may enter upon lands.

¹ Vide note to section 1 of this act.

which may be necessary for the construction of said canal, or the improvement of the navigation of such river, or the erection of any locks, gates, toll-houses, or other fixtures, or the construction of any dam that may be necessary to raise the water for the purposes of washing out any channel or harbor: *Provided*, If such dam shall obstruct any channel navigable for vessels, it shall be made during the winter months and removed before the opening of navigation, the necessity for such taking, and the damages to be paid therefor, being first ascertained, and such damages paid, as hereinafter provided.¹

(2702.) SEC. 9. Said corporations shall not, in their corporate capacity, hold, purchase, or deal in any lands other than lands donated to said corporations to aid in constructing said improvements, or the lands in which their canals shall run, to the width of three hundred feet on each side of such canals, or which are donated to or purchased by said corporation, for wharves or docking purposes, or which may actually be necessary for the construction and maintenance of the canals or improvements, or the fixtures connected therewith.¹

(2703.) SEC. 10. Whenever said company shall desire to enter upon, use, or occupy any lands, or condemn any franchise or right to the use of running water, when no agreement can be made with the owners thereof, the like proceedings shall be had and taken as is provided in "An act to provide for the incorporation of railroad companies," and the acts amendatory thereto; and after the payment or tender of such damages as shall be then ascertained, may enter upon and take the lands so appraised, for the purposes of constructing said canal; harbors, or making the improvement in such river, its fixtures and appurtenances.¹

(2704.) SEC. 11. Any such company shall be authorized to charge, demand, and receive such rates of toll for the use of said canal or harbor, or for the use of any river or stream of this State, improved by said company, or for any dock, wharf, or other improvements, as may be established by three commissioners, who shall be appointed by the board of supervisors of the county where the tolls are collected, or in which the greater part of such improvements shall be constructed. Said commissioners, after making a personal examination of such canal or improvement, shall fix and establish the rate of tolls and charges for each boat, vessel, raft, or craft of any descrip-

Provided.

Corporation not to hold lands other than those donated.

Proceedings to ascertain damages for entering upon lands.

After payment of damages, may use lands.

Commissioners to establish rates of toll.

¹ Vide note to section 1.

² As amended by Act 280 of the Laws of 1865, p. 490, approved and took effect March 18, 1865.

	tion using said canal or passing through said improved river, or any of the works of said company, and upon the goods, merchandise, or other cargo on said boat or vessel, which said tolls or charges shall be a lien upon the boat or vessel using any of the improvements of said company, or having such goods or merchandise on board, and may be collected under the provisions of an act entitled "An act to repeal chapter one hundred and twenty-two of the Revised Statutes of eighteen hundred and forty-six, and the amendments thereto, and provide for the collection of demands against water-craft," approved February fifth, in the year of our Lord eighteen hundred and sixty-four, and shall be collected in the distribution of funds, as provided by section thirty-three of said act, under the fourth specification of said section; and it shall be the duty of the master or clerk of any such boat or vessel, on demand of the collector or any other person authorized by said company to receive or collect such tolls or charges, to give such collector, or other person so authorized, a true and correct statement of all goods, merchandise, or other cargo on said boat or vessel, and subject to pay any toll or charges, which statement shall be verified by the oath of the master or clerk of such vessel or boat. Said board of commissioners shall deliver a certified copy of such rates of tolls or charges to such company, a printed copy of which shall always be posted up at such place where toll is demanded, and the board shall file another copy with the Secretary of State, which shall be duly recorded in his office. A certified copy of such record may be read in evidence in any court of this State, and shall be sufficient proof of the rates of tolls and charges due on any boat or vessel, or any goods, merchandise, or other cargo: <i>Provided however</i> , That no charge whatever shall be made for the use of any river, where such improvement has been made, for any boat, vessel, raft, or craft of any description, which might or could have used said river before said improvement had been made: <i>Provided further</i> , That the said board shall, in determining the rates of toll or charges, declare what boats or vessels or rafts are entitled to use said river free of charge. ¹
Tolls a lien upon boats and vessels.	
How collected.	
Master or clerk of boat to give statement.	
Copy of rates to be posted and filed.	
Certified copy may be given in evidence.	
Certain crafts not to pay toll.	
Penalty for injuring improvements.	(2705.) SEC. 12. If any person shall willfully obstruct, or in any wise injure any such canal, harbor, or improvements, or any dock, wharf, or other fixture connected therewith, or shall violate any rule or regulation established by said company, such person, or such boat or vessel, or other craft, as the said company may elect, shall be liable for all damages done or committed; and said damages,

¹Vide note to section 9 of this act.

if against the person, may be recovered in an action of trespass, and if proved to have been done willfully, treble damages may be recovered. Any such claim for damages, if the company shall so elect, shall be a lien on any such boat or vessel, or other craft, and such lien may be enforced under the existing provisions of the law therefor.¹

Damages, how recovered.

(2706.) SEC. 13. Whenever any canal shall cross any highway, the company shall make and keep in good repair such bridges as the board of supervisors of the county in which such canal is located shall direct.²

Canal across highway to be bridged.

(2707.) SEC. 14. The stockholders of said companies, incorporated under this act, shall be jointly and severally liable for all labor performed for such company; but no suit shall be brought against any individual stockholder for any debt of said company until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part; and any stockholder who has paid any debt of such company, either voluntarily or otherwise, shall have the right to sue and recover of such company the full amount thereof, with interest, cost, and expenses; and in case of failure to recover the amount from said company, may sue the said stockholders, or any one of them, for their due proportion thereof which such stockholder ought to pay; and if such action for contribution shall be brought against more than one, the judgment shall specify the sum due and to be recovered from each of the defendants named.³

Stockholders jointly liable for labor performed. Suit, when brought.

Stockholders may recover amount paid for company.

(2708.) SEC. 15. Any boat, vessel, raft, or craft which shall willfully pass through said canal or said improvement without paying the toll required, shall be liable to pay to said company the sum of one hundred dollars, to be collected by proceeding against said boat, or against the owners thereof, by attachment or otherwise.⁴

Penalty for attempt to avoid toll.

(2709.) SEC. 16. The Legislature shall, at all times hereafter, have the free right to alter, amend, or repeal this act.⁵

Legislature may amend.

(2710.) SEC. 17. Every corporation formed under the provisions of this act, shall pay on the capital stock of said company all taxes assessed thereon for State, county, township, or other purposes, upon the property of said company, whether real, personal, or mixed, except penalties imposed by this act, the said tax to be estimated upon the last annual report of said corporation.⁶

Tax.

(2711.) SEC. 18. Any persons, or private associations, or corporations, who have, previous to the passage of this amended act,

Corporations already formed may organize under this act.

¹ As amended by Act 86 of the Laws of 1864, p. 76, approved February 5, 1864.

² Vide note to section 1 of this act.

³ Vide note to section 12 of this act.

constructed any canal or harbor, or have improved the navigation of any river or stream in this State, within the meaning of section one of this act, where the amount of money actually expended by them in the construction of any such canal or improvement exceeds the sum of ten thousand dollars, may organize under this act, and like notice shall be given as required by section one of this act: *Provided*, That such persons, associations, or corporations shall have the preference in the subscription to the stock of such company, to the amount so expended by them.¹

Penalty for refusing to furnish statement of cargo.

(2712.) SEC. 19. In case the master or clerk of any boat or vessel shall neglect or refuse to furnish the statement as required by section eleven of this amended act, he shall be liable to a fine not exceeding one hundred dollars, to be sued for and recovered by said company.¹

Companies may issue bonds.

(2713.) SEC. 20. Any company organized under this act may borrow money, and issue bonds for the payment of the same, for the purpose of providing means for repairing, altering, or enlarging said improvements: *Provided however*, That the amount so raised shall not at any one time exceed in amount fifty per cent of the amount of the capital stock of said company.¹

Counties may purchase improvements.

(2714.) SEC. 21. Any county through which any such improved river or stream shall pass, or in which the greater part of any such improvements have been constructed, or in which any canal shall have been constructed, within the provisions of this act, shall have the right to purchase any such canal or improvement by paying to any such company the amount of their capital stock, and the amount of all subsequent expenditure in repairing, altering, or enlarging any such canal or improvements, and interest at the rate of ten per cent per annum on said amounts, deducting from the amount of interest the net proceeds of any such company; and the board of supervisors of any such county to take the management of any such canal or improvement so purchased; to receive and collect tolls the same as provided for in this act; to appoint proper officers for the management of the same, with proper salaries for their services, and shall be entitled to the privileges and remedies provided in this act.²

Board of supervisors to assume management.

Purchase to be submitted to the electors.

(2715.) SEC. 22. The board of supervisors of any such county may, at any time, by a majority vote, submit the question of purchasing any such canal, harbor, or improvement, to the electors of

¹ As added by act 170 of the Laws of 1868, p. 808, approved and took effect March 22, 1868.

² Vide note to section 18 of this act.

said county; and if a majority of the electors shall decide to purchase any such canal, harbor, or improvement, then the board of supervisors shall be authorized to purchase the same, and may for that purpose issue the bonds of said county to an amount sufficient to make such purchase.¹

SEC. 23. This act shall take immediate effect.¹

CHAPTER LXXXV.

THE IMPROVEMENT OF RIVERS FOR THE PURPOSES OF NAVIGATION.

An Act to authorize the formation of corporations for the purpose of improving the navigation of rivers.

[Approved April 5, 1869. Laws of 1869, p. 287.]

(2716.) SECTION 1. *The People of the State of Michigan enact,* Formation of corporations.
That any number of persons may associate for the purpose of improving the navigation of any river in this State, by deepening the channel thereof and the construction of dams therein and canals to connect therewith, upon such terms and conditions and subject to such liabilities as are prescribed in this act, and to take and receive such amounts of toll for the passage of vessels, boats, rafts, timber, logs, and lumber through such river, when the navigation shall be thus improved, as the board of control of the St. Mary's Falls Ship Canal may prescribe, as herein provided.

(2717.) SEC. 2. Such persons, under their hands and seals, shall make a certificate, which shall specify— Certificate of corporation.

First. The name of the corporation;

Contents.

Second. The stream and section of the stream, the navigation of which it is proposed to improve;

¹ Vide note to section 18 of this act.

Third. A statement of the amount of capital stock of such company, and the number of shares into which the capital stock shall be divided;

Fourth. The names and places of residence of the stockholders, and the number of shares held by each of them, respectively;

Fifth. The names of the first directors, being not less than three, or more than seven;

Sixth. The place in this State where their office for the transaction of business is located;

Certificate shall be acknowledged where recorded and filed.

Seventh. The term of existence of such corporation, which shall not exceed thirty years; which certificate shall be acknowledged as deeds are required to be acknowledged, and recorded in the office of the clerk of the county in which the office of said company for the transaction of business is located, and a copy thereof filed in the office of the Secretary of State.

Body politic and corporate.

(2718.) SEC. 3. Upon complying with the provisions of the last preceding section, such company shall be a body corporate by the name designated in said certificate, and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and may by by-laws prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions, contained in chapter fifty-five of title ten of the Revised Statutes of the year of our Lord one thousand eight hundred and forty-six, entitled "General provisions relating to corporations," as far as the same shall be applicable, and not inconsistent with the provisions of this act.

Subject to former law.

Consent of Governor and Attorney General shall be obtained.

(2719.) SEC. 4. No company formed or created under this act shall be authorized to improve the navigation of any stream under the provisions of this act until they shall have obtained the assent in writing of the Governor and Attorney General of this State.

Draft of improvement.

(2720.) SEC. 5. After the organization of any such company as aforesaid, they may prepare a map or plan of the section or sections of the stream or streams, the navigation of which they propose to improve, and a plan for the improvement of the same, which shall show and set forth the several points in such stream where improvements are proposed to be made, and the nature and character of such improvements, and may submit the same to the board of control, and make application to said board for their approval thereof and their assent to the proposed improvement, whereupon the said board shall designate some regular meeting of their body at which said application shall be had. The company shall cause notice of

Application to board of control for approval.

said application and the meeting of the board fixed for the hearing thereof to be published once in each week for the six successive weeks next preceding the first day of said regular meeting, in some newspaper published in Detroit, and also in some newspaper published in the vicinity of the place where said improvements are to be made, and shall cause proper proofs of said publication to be filed with the board of control. At the meeting designated therefor, or at such subsequent meeting as the hearing shall be adjourned to, the board of control shall proceed to hear and determine the matter of said application, on which hearing all parties interested therein may appear and be heard. If, upon such hearing, the board shall be of opinion that the construction of the proposed improvement will be a public benefit, and that the company is a proper one to make the same, they shall indorse upon such map or plan their approval thereof, and their assent to the construction of the improvement proposed, and shall also fix the time within which the same shall be completed by the company. Said board of control may, in their discretion, alter or amend such plan or plans before approving the same, or may, at any time after such approval, consent to the alteration of such plans, upon the petition of the company which shall have presented the same.¹

Notice of such application and meeting for its hearing.

Hearing and decision thereon.

(2721.) SEC. 6. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, or once in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such a manner as the by-laws of such company may direct. The election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of the term by the remaining directors. The directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places, and no person shall be a director unless he is a stockholder in said company.

Directors, number and election of.

Notice of election

Voting in person or by proxy.

Elections to be by ballot, etc.

Vacancy in board of directors, how filled.

Term of, and qualification of office.

(2722.) SEC. 7. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall

When election is not held as provided.

¹ As amended by Act 194 of the Laws of 1871, p. 326, approved April 17, 1871.

not be for that reason dissolved, but such election shall be held on some future day to be fixed by the directors holding over, upon giving the notice therefor as in this act provided.

Majority of directors may transact business.

(2723.) SEC. 8. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

President and treasurer, how chosen.

(2724.) SEC. 9. The directors, at their first meeting after their election, shall choose, by ballot, one of their number as president and one as treasurer, and they shall supply any vacancy in the office of president or treasurer, whenever the same shall occur.

Power of president and directors.

(2725.) SEC. 10. The president and directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the transfer of stocks, and the management and control of the affairs and property of such corporation, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents, and servants for conducting and carrying on the business of such incorporation, and determine their duties and salaries and wages to be paid to them.

Subscriptions to capital stock.

(2726.) SEC. 11. The directors of any such company may at any time receive subscriptions to stock in said company until the whole amount of the stock mentioned in their articles of association shall be subscribed; and whenever, in the judgment of the directors, it shall be necessary to increase the capital stock of any such company for the extension or more perfect completion of such proposed work, or to provide lands and buildings needful for its use, it shall be competent for such directors, with the approval or ratification of the holders of a majority of the capital stock, at any lawful meeting of stockholders, to provide for such increase; and in all cases where such capital stock is increased, a certificate thereof shall be signed, certified, and filed as hereinbefore required in case of the original articles of association.

How capital may be increased.

Certificate of increase to be recorded and filed.

Subscriptions, how may be called in.

(2727.) SEC. 12. The directors may call in subscriptions to the capital stock of such corporation by installments, in such portions, and at such times and places as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the

When stock may be sold at auction.

county: *Provided*, That if said stockholder shall reside in this Proviso.
 State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county. If no newspaper be published in the county in which such corporation transacts their business, then it shall be published in the newspaper in the city of Detroit which shall have at the time the largest circulation; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

(2728.) SEC. 13. Every such corporation organized as herein- When corporation may make improvements.
 before prescribed, may make the improvements thus set forth in said plans, after the same shall have been approved by said board of control, and for this purpose shall have the following powers, Powers, liabilities, and restrictions.
 and be subject to the liabilities and restrictions following, that is to say:

First. To cause such examinations and surveys for the proposed Power to make examination and surveys.
 improvements, whether of dams, canals, or deepening of the channel, to be made along the stream whose navigation it is proposed to improve, as may be necessary to prepare for the work to be done, and by their officers, agents, and servants, to enter upon the lands Enter upon lands, etc. Liability for damages.
 or waters of any person or company, but subject to liability for all damages which they shall do thereto;

Second. To purchase, and by voluntary grants and donations to Power to purchase, etc., lands, etc.
 receive, enter upon, take, hold, and use all such lands and real estate and other property as may be necessary for the construction and maintenance of the work proposed in the approved plans of such company;

Third. To divert into such stream to be improved, waters from To divert waters from lakes into streams, etc.
 any lake or lakes in the vicinity thereof, by canals to be constructed for that purpose; to divert the water from the present channel of the stream to be improved, by cutting across bends in said river; to flood lands by constructing the necessary dams, according to the plans approved as aforesaid, and to enter upon, take, and use any lands which may be necessary for the purpose of constructing and maintaining such works and improvements: *Provided*, That the Proviso.
 necessity for such diversion of the water, flooding of lands, and of taking such lands for such purposes, and the damages to be paid therefor, in each case of diversion of water, flooding of land, or

Law governing
payment of
damages.

taking of the same, shall be ascertained, and such damages paid, as provided for in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, one thousand eight hundred and fifty-one, being sections one thousand eight hundred and ninety-four to one thousand nine hundred and five, inclusive, of the Compiled Laws, and the amendments thereto.

Liable to for-
feiture of right
to collect tolls.

(2729.) SEC. 14. It shall be the duty of such company to complete the improvements contemplated by the plans approved, as afore-said, within the time which shall be prescribed by the said board of control, at the time said plans shall be approved by said board of control, and in case of failure so to do, said company shall forfeit all right to collect tolls of any person or persons whatever, who shall use for the purposes of navigation the improvements made by such company, unless the time for completing the same shall have been previously extended by said board of control, upon good cause shown.

Tolls.

(2730.) SEC. 15. Whenever any portion of said work shall be completed to the satisfaction of said board of control, and it is so far useful that in the opinion of said board of control tolls should be paid for the use thereof, said board may fix the tolls to be paid for the use of such portion until the whole of said work is completed; and whenever said improvements have been completed and accepted by said board of control, the rates of toll which any company organized under this act may charge for running rafts, timbers, logs, or lumber through said improved stream shall be fixed by said board of control, and may be graduated with reference to the distance run upon the portion of said stream improved by said company, and shall not be increased without the consent of said board, but may be changed from time to time by said board; but such toll shall not at any time be increased so that the sum shall amount to more than fifteen per cent a year upon the actual cost of such improvements after deducting the necessary expenses and repairs; and the said board shall, as far as may be practicable, so fix the rates of toll on timber, logs, and lumber, that the same shall not at any time exceed the sum of twenty-five cents per thousand feet, board measure, on any stream where ten millions of feet or less are run in any one year; twenty cents per thousand feet, board measure, on any stream where thirty millions of feet or less are run in any one

year; nor more than fifteen cents per thousand feet, board measure, on any stream where from thirty to fifty millions of feet are run in any one year; nor more than ten cents per thousand feet, board measure, on any stream where from fifty to one hundred millions of feet are run in any one year; nor more than five cents per thousand feet, board measure, on any stream where from one to two hundred millions of feet or more are run in any one year; and the collection of such tolls shall be confined strictly to that part or portion of a river or stream so improved, and to that class of floatables benefited by the improvement; and nothing in this act shall be construed to give jurisdiction to any corporation over any portion of a river or stream other than the portion specifically improved by such corporation. Such corporation shall cause to be made out and filed with said board of control, at or before its meeting on the last Wednesday in March, each year, the affidavit of its president or one of its directors, setting forth in detail, upon his best information and belief, what amount of timber, logs, and lumber will be run through any section or sections of the river improved by the company during that year, and that the official has made due and reasonable inquiry on the subject from persons lumbering on the river, and otherwise. ¹

Construction of this act as to jurisdiction.

Annual statement.

(2731.) SEC. 16. Any stream improved under this act shall be open to all persons for use, upon the payment of tolls prescribed as aforesaid, for the passage of vessels, boats, logs, rafts, timber, and lumber through such improved stream or waters, and uniform rates of toll shall be charged to all persons, whether stockholders in such company or not.

Improved streams open to all, on payment of tolls, etc.

(2732.) SEC. 17. Whenever said tolls are prescribed as aforesaid, the directors thereof may collect the same from persons using such improved portions of such stream or waters, at such places and in such manner as such company may deem expedient.

How tolls collected.

(2733.) SEC. 18. Such company shall have a lien upon all logs, rafts, timber, or lumber, or other floatables, driven, rafted, or run through such stream or waters, upon which toll shall be due, for such toll, and may sell a sufficient quantity of such logs, timber, or lumber, or other floatables, to satisfy said claim or demand, with the expense of such sale, at public auction, on not less than ten days' notice, either personally served upon such owner, or posted in three or more conspicuous places in the township where such logs are held, and in either case by posting a like notice, also, in the office of such company, of the mark, description, and supposed

Lien had upon floatables, may sell to satisfy claims for tolls.

Notice of sale, etc.

¹ Vide note to section 5 of this act.

owner of such logs, timber, or lumber, and the charges for which the same is to be sold.

Board of directors shall keep stream in good condition.

(2734.) SEC. 19. The board of directors of any such company shall at all times after commencing the collection of any tolls from persons using said improved stream or waters, keep such portions of the stream or waters clear of all unnecessary obstructions, and in good condition for the passage of rafts, timber, logs, lumber, vessels, or boats for which toll is charged, and in case of any dilapidation or obstruction which is calculated to endanger or delay the passage of rafts, timber, logs, or lumber, boats or vessels as aforesaid, it shall be the duty of the board of directors, without unnecessary delay, to make such repairs as shall restore such stream or waters to their proper condition; and in case said board of directors shall fail to comply with the provisions of this section, the corporation shall for every such neglect or refusal, be liable to a forfeiture of one hundred dollars, to be recovered in an action of debt, by any person aggrieved or injured thereby: *Provided*, That in all cases one of said board of directors shall first have been notified of such defect, and the necessary time for its repair shall have elapsed after such notice and before the commencement of such suit.

Liability for neglect so to do.

Proviso.

Punishment for willfully obstructing, etc.

(2735.) SEC. 20. If any person shall willfully obstruct any stream or waters improved under the provisions of this act, or any part thereof, or shall willfully destroy or injure any buildings, piers, dams, fixtures, banks, or other constructions in use upon the same belonging to said company, such person or persons so offending shall, for every offense, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year, in the discretion of the court.

Obstructing floatage with logs, etc.

(2736.) SEC. 21. If any person or persons shall put or cause to be put into said stream or waters any logs, timber, or lumber, and shall not make adequate provisions and put on sufficient force for breaking jams of such logs, timber, or lumber in or upon such stream or waters, or for running, rafting, or driving the same, and thereby obstruct the floatage or navigation, it shall be lawful for such company to cause such jams to be broken, and such logs, lumber, or timbers to be run, driven, boomed, rafted, or secured, at the charge or expense of the person or persons owning said logs, timber, or lumber; and said company shall have a lien upon such logs, timber, or lumber as shall be sufficient to pay and satisfy all just and reasonable charges therefor, and expense and cost thereof, and shall be

Company shall have lien on such logs, etc., for expenses of removing.

entitled to take and retain possession of such logs, timber, or lumber, or so much thereof as may be necessary to satisfy the amount of such charges for breaking such jams, and for driving, booming, rafting, and running of said logs, timber, or lumber, and expenses and costs thereon, until the same be satisfied and paid; and such corporation shall proceed to collect such charges, costs, and expenses in the manner hereinafter prescribed.

(2737.) SEC. 22. Any such corporation claiming any lien may bring an action of assumpsit against the owner of such property, to determine and satisfy the amount of such lien. The proceedings in such actions shall be in accordance with the practice of the courts in which such action is commenced, in actions of assumpsit, and the property so held may be levied upon and sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit, including the costs and expenses of providing for the care and safety of such property.

Action of assumpsit may be brought to satisfy lien.

Proceedings in such action.

(2738.) SEC. 23. If the owner of such logs, timber, or other floatables cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the petition of said corporation claiming such lien in the proper court, which shall contain a statement of the nature and amount of the claim, and a description of the property seized, and that the owner of such property is unknown, or is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim, which petition shall be verified by the oath of the president of such corporation filing the same, or its agent or attorney. The plaintiff shall thereupon, and before any trial shall be had or judgment rendered in such proceeding, cause a notice to be published for four successive weeks, at least once in each week, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this State as such court shall direct, which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and the description of the property upon which the lien is sought to be enforced. The owner of such property shall have a right to appear and defend in such proceedings, at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed as in actions of assumpsit, and all subsequent proceedings in such case shall be in accordance with the practice

Proceedings when owner of such logs cannot be ascertained.

Plaintiff's notice, publication of, before trial.

Contents of.

When owner may appear to defend, etc.

If owner fail to appear. of such court in actions of assumpsit. If the owner shall fail to appear in such proceeding, the court may proceed, *ex parte*, to hear, try, and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order that the property covered by such lien, or as much thereof as may be necessary, be sold to satisfy the amount of such judgment, with costs.

When court shall order sale of property covered by lien.

Annual report to Secretary of State.

Contents.

(2739.) SEC. 24. On or before the first Monday in January in each year, it shall be the duty of the directors of every company formed under this act, to report to the Secretary of State, under the oath of at least two of the directors, the length of the stream or waters so improved, the cost of such improvements, the amount of money expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such improvement, the amount received during the previous year for tolls, and from all other sources, stating each separately, the amount set apart for repairs, the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.

Tax of one per cent on paid capital, authorized.

How estimated.

(2740.) SEC. 25. Each and every company formed under this act shall pay to the Treasurer of the State of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of said company, which tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday in July of each year, and shall be in lieu of all other taxes upon all the property of said company.

Liability of stockholders for payment of corporate debts.

When proceedings may be had against stockholders.

(2741.) SEC. 26. The stockholders of every company organized in pursuance of this act shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due, during the time of their holding such stocks, for any labor or services done or performed for such company; but no stockholder shall be proceeded against for the collection of any debt or demand against such company, until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied, in whole or in part, or unless such association shall be dissolved.

Shares deemed personal property.

(2742.) SEC. 27. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company.

(2743.) SEC. 28. Service of any legal process against any such corporation may be made on the president, treasurer, or upon any one of the directors of such company. Service of process; upon whom may be served.

(2744.) SEC. 29. All companies formed under this act shall at all times be subject to all general laws in force relative to corporations. Companies subject to general laws.

SEC. 30. This act shall take immediate effect.

CHAPTER LXXX VI.

WATER-POWER COMPANIES.

An Act to provide for the incorporation of water-power companies.

[Approved March 20, 1863. Laws of 1863, p. 399.]

(2745.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, may be formed into a corporation for the purpose of maintaining, repairing, and improving any canal, with water-power appurtenant thereto, constructed and used for the transmission of water and the creation of water-power thereby for manufacturing uses, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county in which the said canal may be situated, and if there be no newspaper printed in said county, then such notice shall be printed in some newspaper of an adjoining county having circulation in said county, of the time and place where all persons desirous of forming such company may meet and subscribe articles of association, and elect directors of such company, in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the directors who shall manage the concerns of the company for the first year, and shall hold their Companies may be organized. Requirements. Articles of association.

offices until others are elected, the canal on which the business of said company is intended to be done, and the place within the State where the office of said company shall be kept.

Subscribers to
sign articles.

(2746.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The said articles of association shall be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who from time to time shall associate with them, shall

Articles, where
filed.

Body corporate.

be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal. A copy of any articles of association filed in pursuance of this section, with a copy of an affidavit, made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and the facts therein stated.

Copy of articles
to be evidence of
incorporation.

Board of direct-
ors.

(2747.) SEC. 3. The business of said company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and after such notice of the election, as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their offices until their successors are elected. The said board shall elect from their number a president, and appoint a treasurer, who shall give such bond as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board, the remaining directors may elect any member of said company to fill such vacancy as director for the remainder of the term and until a successor is elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter, upon giving like notice.

Officers of.

How members
constituted.

(2748.) SEC. 4. Any person owning any interest in the canal and water-power under the control of such association may become a member thereof at any time by subscribing his name to the articles of association; and any person or persons who shall purchase an interest in said water-power of any member of this association shall become a member of said association without other act, and

shall succeed to all his grantor's rights and privileges in the same, as a member thereof, to the extent of the interest so purchased.¹

(2749.) SEC. 5. When the canal or any of its appurtenances under the control of such association may need to be repaired or rebuilt, the directors of said association may cause the same to be done at the expense of the owners thereof: *Provided*, That in all cases of permanent improvements of the water-power or appurtenances thereto, as distinguished from repairs, the said directors shall not be authorized to make such improvements or incur any expense concerning the same, unless first authorized by a vote of the members of said association at a regular or annual meeting thereof, or at a meeting to be called for that purpose: *And provided further*, That the expense of permanent improvements which are not rendered necessary for the actual preservation or protection of said water-power or its appurtenances shall be assessed and collected, in the manner hereinafter provided, only upon the members of such association and such owners of water-power not members as shall have consented thereto previous to the making of such improvement.²

Directors may make needful repairs.

Proviso.

Further proviso.

(2750.) SEC. 6. Whenever the board of directors shall make any repairs not authorized at any meeting of said association, it shall be their duty to file with the clerk of said association a statement containing—

Proceedings when directors make repairs unauthorized.

First. A description of the work done;

What statement to contain.

Second. The expense thereof;

Third. The amount paid and to whom paid;

Fourth. The amount unpaid, if any, and to whom due.³

(2751.) SEC. 7. For the purpose of defraying the expenses of such repairing, rebuilding, or permanent improvement, and such contingent expenses as may be incurred in the discharge of their duties as directors of such association, the said directors may make from time to time, as the work progresses, an assessment upon the owners of such water-power, assessing and apportioning to and upon each owner thereof, such portion of said expenses as the water-power used or owned by such person bears to the whole water-power furnished by such canal and its appurtenances; and when a water-power afforded by such canal is owned by a firm or corporation, such firm or corporation shall be considered as an

How and when assessments to be made.

Made on corporations, etc., the same as individuals.

¹ As amended by Act 90 of the Laws of 1871, p. 122, approved and took effect April 12, 1871.

² Vide note to section 4.

individual member, and such assessment may be made to and upon such firm or corporation.¹

How collected.

(2752.) SEC. 8. The said assessment shall then be delivered to the treasurer of the association for collection, who shall proceed forthwith and shall demand payment from each person named in said assessment of the amount apportioned to him; and if any such person shall neglect or refuse to pay the amount within five days after such demand, to the treasurer, the same may be sued for and recovered as provided in section eighteen of this act.¹

How notice shall be given to non-residents.

(2753.) SEC. 9. In case any person upon whom an assessment shall have been made, as is herein provided, shall be a non-resident of the county in which said water-power is located, or absent, so that personal demand cannot be made upon him by the treasurer for the payment of such assessment, then in such case the treasurer shall give notice of such assessment by inserting a notice in some daily paper published in the town or city where such canal is located, in each issue, for four successive weeks, if a daily paper be published therein, if not, then in a weekly paper published in the county where said canal is located, once in each week for four successive weeks, specifying the fact of such assessment, and the name or description of the interest so assessed, and the amount of the assessment: *Provided*, That in case the directors shall so direct, it shall be lawful to include one or more assessments upon the same person or interest in one notice, and by a notice by mail directed to the owner's reputed place of residence; and the publication aforesaid, and the giving of notice by mail as aforesaid, shall be deemed equivalent to a personal demand in the cases specified in this section after the publication and mailing said notices as aforesaid.¹

Proviso.

When notice shall be deemed equivalent to a personal demand

Assessments, etc., a mortgage lien upon interest assessed.

When to have preference.

Certificate of secretary relative to assessments.

(2754.) SEC. 10. All assessments made under the provisions of this act shall be and remain a mortgage-lien upon the interest so assessed from and after the completion of the work for which such assessment was made, until paid, together with interest and the cost of publishing notice, if notice shall be published; and said mortgage-lien shall have preference over all incumbrances on said interest from and after the recording of a certificate, as is herein-after provided, except incumbrances now existing thereon in good faith, and except taxes assessed or to be assessed thereon by any law of this State.¹

(2755.) SEC. 11. After such mortgage-lien shall have attached to such interest in such canal and water-power, the secretary of

¹ Vide note to section 4.

such association shall make a certificate in writing, to be signed by him and countersigned by the president, which certificate shall state—

First. The amount of such assessment or assessments;

Second. That the work for which such assessment was made ^{ibid.} has been done;

Third. The time when the same became a lien;

Fourth. A description of the property or interest upon which such assessment was made;

Fifth. The amount due thereon, together with the costs made thereon; which certificate shall be verified by the affidavit of such secretary, or some member of the board of directors, and shall be recorded and indexed by the register of deeds of the county in which such water-power is situated, in the books for mortgage, the same as if it were a mortgage given by the owner of the interest so assessed; and such record, or a certified copy thereof, shall be notice and evidence to the same intent, extent, and for the same purpose as a mortgage so recorded.¹ When and how recorded.

(2756.) SEC. 12. Such mortgage-lien created as aforesaid shall be in the nature of a mortgage on real estate, and may be foreclosed and collected the same as a mortgage is now enforced and collected in equity, and shall be subject to all laws of this State in relation to the foreclosure and satisfaction of mortgages in chancery, as near as may be. All suits commenced for the foreclosure, collection, and satisfaction of such mortgage-lien shall be in the corporate name of such association.¹ Foreclosure and collection of such lien.

(2757.) SEC. 13. Suits may be commenced for the foreclosure of ^{ibid.} such mortgage-lien at the expiration of sixty days from the time the certificate shall be recorded, as mentioned in section eleven of this act.¹

(2758.) SEC. 14. Meetings of the members of the association may be called by any director, and it shall be the duty of any director to call a meeting of the members of said association on the written application of three members thereof. In all cases other than the annual or regular meetings, notice of such meeting, and of the time and place thereof, shall be given by personal service thereof, if practicable, otherwise by posting a notice of such meeting on the premises of each member not personally served, in a conspicuous place, at least twenty-four hours before the time of meeting; and proof of the time and manner of such service, How and when meetings may be called.
Notice for special meetings.

¹ Vide note to section 4 of this act.

owner of such logs, timber, or lumber, and the charges for which the same is to be sold.

Board of directors shall keep stream in good condition.

(2734.) SEC. 19. The board of directors of any such company shall at all times after commencing the collection of any tolls from persons using said improved stream or waters, keep such portions of the stream or waters clear of all unnecessary obstructions, and in good condition for the passage of rafts, timber, logs, lumber, vessels, or boats for which toll is charged, and in case of any dilapidation or obstruction which is calculated to endanger or delay the passage of rafts, timber, logs, or lumber, boats or vessels as aforesaid, it shall be the duty of the board of directors, without unnecessary delay, to make such repairs as shall restore such stream or waters to their proper condition; and in case said board of directors shall fail to comply with the provisions of this section, the corporation shall for every such neglect or refusal, be liable to a forfeiture of one hundred dollars, to be recovered in an action of debt, by any person aggrieved or injured thereby: *Provided*, That in all cases one of said board of directors shall first have been notified of such defect, and the necessary time for its repair shall have elapsed after such notice and before the commencement of such suit.

Liability for neglect so to do.

Proviso.

Punishment for willfully obstructing, etc.

(2735.) SEC. 20. If any person shall willfully obstruct any stream or waters improved under the provisions of this act, or any part thereof, or shall willfully destroy or injure any buildings, piers, dams, fixtures, banks, or other constructions in use upon the same belonging to said company, such person or persons so offending shall, for every offense, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year, in the discretion of the court.

Obstructing floatage with logs, etc.

(2736.) SEC. 21. If any person or persons shall put or cause to be put into said stream or waters any logs, timber, or lumber, and shall not make adequate provisions and put on sufficient force for breaking jams of such logs, timber, or lumber in or upon such stream or waters, or for running, rafting, or driving the same, and thereby obstruct the floatage or navigation, it shall be lawful for such company to cause such jams to be broken, and such logs, lumber, or timbers to be run, driven, boomed, rafted, or secured, at the charge or expense of the person or persons owning said logs, timber, or lumber; and said company shall have a lien upon such logs, timber, or lumber as shall be sufficient to pay and satisfy all just and reasonable charges therefor, and expense and cost thereof, and shall be

Company shall have lien on such logs, etc., for expenses of removing.

entitled to take and retain possession of such logs, timber, or lumber, or so much thereof as may be necessary to satisfy the amount of such charges for breaking such jams, and for driving, booming, rafting, and running of said logs, timber, or lumber, and expenses and costs thereon, until the same be satisfied and paid; and such corporation shall proceed to collect such charges, costs, and expenses in the manner hereinafter prescribed.

(2737.) SEC. 22. Any such corporation claiming any lien may bring an action of assumpsit against the owner of such property, to determine and satisfy the amount of such lien. The proceedings in such actions shall be in accordance with the practice of the courts in which such action is commenced, in actions of assumpsit, and the property so held may be levied upon and sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit, including the costs and expenses of providing for the care and safety of such property.

Action of assumpsit may be brought to satisfy lien.

Proceedings in such action.

(2738.) SEC. 23. If the owner of such logs, timber, or other floatables cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the petition of said corporation claiming such lien in the proper court, which shall contain a statement of the nature and amount of the claim, and a description of the property seized, and that the owner of such property is unknown, or is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim, which petition shall be verified by the oath of the president of such corporation filing the same, or its agent or attorney. The plaintiff shall thereupon, and before any trial shall be had or judgment rendered in such proceeding, cause a notice to be published for four successive weeks, at least once in each week, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this State as such court shall direct, which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and the description of the property upon which the lien is sought to be enforced. The owner of such property shall have a right to appear and defend in such proceedings, at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed as in actions of assumpsit, and all subsequent proceedings in such case shall be in accordance with the practice

Proceedings when owner of such logs cannot be ascertained.

Plaintiff's notice, publication of, before trial.

Contents of.

When owner may appear to defend, etc.

If owner fail to appear;

When court shall order sale of property covered by lien.

Annual report to Secretary of State.

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Tax of one per cent on paid capital, authorized.

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Shares deemed personal property.

of such court in actions of assumpsit. If the owner shall fail to appear in such proceeding, the court may proceed, *ex parte*, to hear, try, and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order that the property covered by such lien, or as much thereof as may be necessary, be sold to satisfy the amount of such judgment, with costs.

(2739.) SEC. 24. On or before the first Monday in January in each year, it shall be the duty of the directors of every company formed under this act, to report to the Secretary of State, under the oath of at least two of the directors, the length of the stream or waters so improved, the cost of such improvements, the amount of money expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such improvement, the amount received during the previous year for tolls, and from all other sources, stating each separately, the amount set apart for repairs, the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.

(2740.) SEC. 25. Each and every company formed under this act shall pay to the Treasurer of the State of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of said company, which tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday in July of each year, and shall be in lieu of all other taxes upon all the property of said company.

(2741.) SEC. 26. The stockholders of every company organized in pursuance of this act shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due, during the time of their holding such stocks, for any labor or services done or performed for such company; but no stockholder shall be proceeded against for the collection of any debt or demand against such company, until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied, in whole or in part, or unless such association shall be dissolved.

(2742.) SEC. 27. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company.

(2743.) SEC. 28. Service of any legal process against any such corporation may be made on the president, treasurer, or upon any one of the directors of such company. Service of process; upon whom may be served.

(2744.) SEC. 29. All companies formed under this act shall at all times be subject to all general laws in force relative to corporations. Companies subject to general laws.

SEC. 30. This act shall take immediate effect.

CHAPTER LXXX VI.

WATER-POWER COMPANIES.

An Act to provide for the incorporation of water-power companies.

[Approved March 20, 1863. Laws of 1863, p. 399.]

(2745.) SECTION 1. *The People of the State of Michigan enact,* Companies may be organized.
That any number of persons, not less than five, may be formed into a corporation for the purpose of maintaining, repairing, and improving any canal, with water-power appurtenant thereto, constructed and used for the transmission of water and the creation of water-power thereby for manufacturing uses, by complying with the following requirements: Requirements. Notice shall be given in at least one newspaper printed in the county in which the said canal may be situated, and if there be no newspaper printed in said county, then such notice shall be printed in some newspaper of an adjoining county having circulation in said county, of the time and place where all persons desirous of forming such company may meet and subscribe articles of association, and elect directors of such company, in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the directors who shall manage the concerns of the company for the first year, and shall hold their Articles of association.

But shall also have an office in this State.

First meeting of companies with office out of State, where held.

Stock forfeited, where to be sold; and notice of sale, how published.

Certain meetings and corporate acts legalized.

Companies under special charter may dissolve and organize under this act.

Proviso.

office out of this State, shall have an office for the transaction of business within this State, to be also designated in such articles.

(2866.) SEC. 2. The first meeting of every such association, having its business office out of this State, may be held either in this State or at such business office; and if held at such office, notice thereof shall be published for fifteen days previous thereto, in some newspaper published in the city of Detroit, and also in the county in which said office may be located.

(2867.) SEC. 3. All stock in any company organized under the law to which this is supplementary, forfeited for non-payment of assessments, and belonging to residents of this State, shall be sold within this State; such as may belong to residents of the Upper Peninsula, to be sold at the county seat of the county in which such mine is located; and thirty days' notice of such sale shall be given in some newspaper published in said Upper Peninsula; and if none be published there, then in some newspaper published in the city of Detroit; and such stock as shall belong to residents of the Lower Peninsula, shall be sold at the office of the company, if there be one in the Lower Peninsula, and if there be no such office, then at the city of Detroit, thirty days' notice of such sale being previously given in some newspaper published in the county where such sale is to be made.

(2868.) SEC. 4. All meetings and all corporate acts heretofore had by any company organized under the law to which this is supplementary, beyond the limits of this State, and within the United States, shall be held, and the same are hereby made to be, legal and valid: *Provided always*, That such meetings and acts would have been valid, if had within this State.

(2869.) SEC. 5. Any mining company organized and doing business under any special charter, may at any time, by a vote of a majority in interest of its stockholders, dissolve its organization, and organize under the act to which this is supplementary; and any company so organizing under said act, shall have the right, in preference to any other company, to assume the name by which it was known in its former charter: *Provided*, It perfects its organization within sixty days after dissolving its special charter; and after perfecting its organization, according to the provisions of said act, it shall be entitled to all the rights, privileges, and immunities therein contained, and the property, effects, and rights of action of the company shall pass to, and be vested in the company so organized under the acts to which this is supplementary, and the debts, liabilities, and demands existing against the company so

shall succeed to all his grantor's rights and privileges in the same, as a member thereof, to the extent of the interest so purchased.¹

(2749.) SEC. 5. When the canal or any of its appurtenances under the control of such association may need to be repaired or rebuilt, the directors of said association may cause the same to be done at the expense of the owners thereof: *Provided*, That in all cases of permanent improvements of the water-power or appurtenances thereto, as distinguished from repairs, the said directors shall not be authorized to make such improvements or incur any expense concerning the same, unless first authorized by a vote of the members of said association at a regular or annual meeting thereof, or at a meeting to be called for that purpose: *And provided further*, That the expense of permanent improvements which are not rendered necessary for the actual preservation or protection of said water-power or its appurtenances shall be assessed and collected, in the manner hereinafter provided, only upon the members of such association and such owners of water-power not members as shall have consented thereto previous to the making of such improvement.¹

Directors may make needful repairs.

Provido.

Further proviso.

(2750.) SEC. 6. Whenever the board of directors shall make any repairs not authorized at any meeting of said association, it shall be their duty to file with the clerk of said association a statement containing—

Proceedings when directors make repairs unauthorized.

First. A description of the work done;

What statement to contain.

Second. The expense thereof;

Third. The amount paid and to whom paid;

Fourth. The amount unpaid, if any, and to whom due.²

(2751.) SEC. 7. For the purpose of defraying the expenses of such repairing, rebuilding, or permanent improvement, and such contingent expenses as may be incurred in the discharge of their duties as directors of such association, the said directors may make from time to time, as the work progresses, an assessment upon the owners of such water-power, assessing and apportioning to and upon each owner thereof, such portion of said expenses as the water-power used or owned by such person bears to the whole water-power furnished by such canal and its appurtenances; and when a water-power afforded by such canal is owned by a firm or corporation, such firm or corporation shall be considered as an

How and when assessments to be made.

Made on corporations, etc., the same as individuals.

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Subscribers to
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Articles, where
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Body corporate.

be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal. A copy of any articles of association filed in pursuance of this section, with a copy of an affidavit, made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and the facts therein stated.

Copy of articles
to be evidence of
incorporation.

Board of directors.

(2747.) SEC. 3. The business of said company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and after such notice of the election, as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their offices until their successors are elected. The said board shall elect from their number a president, and appoint a treasurer, who shall give such bond as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board, the remaining directors may elect any member of said company to fill such vacancy as director for the remainder of the term and until a successor is elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter, upon giving like notice.

Officers of.

How members
constituted.

(2748.) SEC. 4. Any person owning any interest in the canal and water-power under the control of such association may become a member thereof at any time by subscribing his name to the articles of association; and any person or persons who shall purchase an interest in said water-power of any member of this association shall become a member of said association without other act, and

shall succeed to all his grantor's rights and privileges in the same, as a member thereof, to the extent of the interest so purchased.¹

(2749.) SEC. 5. When the canal or any of its appurtenances under the control of such association may need to be repaired or rebuilt, the directors of said association may cause the same to be done at the expense of the owners thereof: *Provided*, That in all cases of permanent improvements of the water-power or appurtenances thereto, as distinguished from repairs, the said directors shall not be authorized to make such improvements or incur any expense concerning the same, unless first authorized by a vote of the members of said association at a regular or annual meeting thereof, or at a meeting to be called for that purpose: *And provided further*, That the expense of permanent improvements which are not rendered necessary for the actual preservation or protection of said water-power or its appurtenances shall be assessed and collected, in the manner hereinafter provided, only upon the members of such association and such owners of water-power not members as shall have consented thereto previous to the making of such improvement.¹

Directors may make needful repairs.

Proviso.

Further proviso.

(2750.) SEC. 6. Whenever the board of directors shall make any repairs not authorized at any meeting of said association, it shall be their duty to file with the clerk of said association a statement containing—

Proceedings when directors make repairs unauthorized.

First. A description of the work done;

What statement to contain.

Second. The expense thereof;

Third. The amount paid and to whom paid;

Fourth. The amount unpaid, if any, and to whom due.²

(2751.) SEC. 7. For the purpose of defraying the expenses of such repairing, rebuilding, or permanent improvement, and such contingent expenses as may be incurred in the discharge of their duties as directors of such association, the said directors may make from time to time, as the work progresses, an assessment upon the owners of such water-power, assessing and apportioning to and upon each owner thereof, such portion of said expenses as the water-power used or owned by such person bears to the whole water-power furnished by such canal and its appurtenances; and when a water-power afforded by such canal is owned by a firm or corporation, such firm or corporation shall be considered as an

How and when assessments to be made.

Made on corporations, etc., the same as individuals.

¹ As amended by Act 90 of the Laws of 1871, p. 122, approved and took effect April 12, 1871.

² Vide note to section 4.

individual member, and such assessment may be made to and upon such firm or corporation.¹

How collected.

(2752.) SEC. 8. The said assessment shall then be delivered to the treasurer of the association for collection, who shall proceed forthwith and shall demand payment from each person named in said assessment of the amount apportioned to him; and if any such person shall neglect or refuse to pay the amount within five days after such demand, to the treasurer, the same may be sued for and recovered as provided in section eighteen of this act.¹

How notice shall be given to non-residents.

(2753.) SEC. 9. In case any person upon whom an assessment shall have been made, as is herein provided, shall be a non-resident of the county in which said water-power is located, or absent, so that personal demand cannot be made upon him by the treasurer for the payment of such assessment, then in such case the treasurer shall give notice of such assessment by inserting a notice in some daily paper published in the town or city where such canal is located, in each issue, for four successive weeks, if a daily paper be published therein, if not, then in a weekly paper published in the county where said canal is located, once in each week for four successive weeks, specifying the fact of such assessment, and the name or description of the interest so assessed, and the amount of the assessment: *Provided*, That in case the directors shall so direct, it shall be lawful to include one or more assessments upon the same person or interest in one notice, and by a notice by mail directed to the owner's reputed place of residence; and the publication aforesaid, and the giving of notice by mail as aforesaid, shall be deemed equivalent to a personal demand in the cases specified in this section after the publication and mailing said notices as aforesaid.¹

Proviso.

When notice shall be deemed equivalent to a personal demand

Assessments, etc., a mortgage lien upon interest assessed.

(2754.) SEC. 10. All assessments made under the provisions of this act shall be and remain a mortgage-lien upon the interest so assessed from and after the completion of the work for which such assessment was made, until paid, together with interest and the cost of publishing notice, if notice shall be published; and said mortgage-lien shall have preference over all incumbrances on said interest from and after the recording of a certificate, as is herein-after provided, except incumbrances now existing thereon in good faith, and except taxes assessed or to be assessed thereon by any law of this State.¹

When to have preference.

Certificate of secretary relative to assessments.

(2755.) SEC. 11. After such mortgage-lien shall have attached to such interest in such canal and water-power, the secretary of

¹ Vide note to section 4.

such association shall make a certificate in writing, to be signed by him and countersigned by the president, which certificate shall state—

First. The amount of such assessment or assessments;

Second. That the work for which such assessment was made ^{ibid.} has been done;

Third. The time when the same became a lien;

Fourth. A description of the property or interest upon which such assessment was made;

Fifth. The amount due thereon, together with the costs made thereon; which certificate shall be verified by the affidavit of such secretary, or some member of the board of directors, and shall be recorded and indexed by the register of deeds of the county in which such water-power is situated, in the books for mortgage, the same as if it were a mortgage given by the owner of the interest so assessed; and such record, or a certified copy thereof, shall be notice and evidence to the same intent, extent, and for the same purpose as a mortgage so recorded.¹

When and how recorded.

(2756.) SEC. 12. Such mortgage-lien created as aforesaid shall be in the nature of a mortgage on real estate, and may be foreclosed and collected the same as a mortgage is now enforced and collected in equity, and shall be subject to all laws of this State in relation to the foreclosure and satisfaction of mortgages in chancery, as near as may be. All suits commenced for the foreclosure, collection, and satisfaction of such mortgage-lien shall be in the corporate name of such association.¹

Foreclosure and collection of such lien.

(2757.) SEC. 13. Suits may be commenced for the foreclosure of ^{ibid.} such mortgage-lien at the expiration of sixty days from the time the certificate shall be recorded, as mentioned in section eleven of this act.¹

(2758.) SEC. 14. Meetings of the members of the association may be called by any director, and it shall be the duty of any director to call a meeting of the members of said association on the written application of three members thereof. In all cases other than the annual or regular meetings, notice of such meeting, and of the time and place thereof, shall be given by personal service thereof, if practicable, otherwise by posting a notice of such meeting on the premises of each member not personally served, in a conspicuous place, at least twenty-four hours before the time of meeting; and proof of the time and manner of such service,

How and when meetings may be called.

Notice for special meetings.

¹ Vide note to section 4 of this act.

Law governing
payment of
damages.

taking of the same, shall be ascertained, and such damages paid, as provided for in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, one thousand eight hundred and fifty-one, being sections one thousand eight hundred and ninety-four to one thousand nine hundred and five, inclusive, of the Compiled Laws, and the amendments thereto.

Liable to for-
feiture of right
to collect tolls.

(2729.) SEC. 14. It shall be the duty of such company to complete the improvements contemplated by the plans approved, as afore-said, within the time which shall be prescribed by the said board of control, at the time said plans shall be approved by said board of control, and in case of failure so to do, said company shall forfeit all right to collect tolls of any person or persons whatever, who shall use for the purposes of navigation the improvements made by such company, unless the time for completing the same shall have been previously extended by said board of control, upon good cause shown.

Tolls.

(2730.) SEC. 15. Whenever any portion of said work shall be completed to the satisfaction of said board of control, and it is so far useful that in the opinion of said board of control tolls should be paid for the use thereof, said board may fix the tolls to be paid for the use of such portion until the whole of said work is completed; and whenever said improvements have been completed and accepted by said board of control, the rates of toll which any company organized under this act may charge for running rafts, timbers, logs, or lumber through said improved stream shall be fixed by said board of control, and may be graduated with reference to the distance run upon the portion of said stream improved by said company, and shall not be increased without the consent of said board, but may be changed from time to time by said board; but such toll shall not at any time be increased so that the sum shall amount to more than fifteen per cent a year upon the actual cost of such improvements after deducting the necessary expenses and repairs; and the said board shall, as far as may be practicable, so fix the rates of toll on timber, logs, and lumber, that the same shall not at any time exceed the sum of twenty-five cents per thousand feet, board measure, on any stream where ten millions of feet or less are run in any one year; twenty cents per thousand feet, board measure, on any stream where thirty millions of feet or less are run in any one

year; nor more than fifteen cents per thousand feet, board measure, on any stream where from thirty to fifty millions of feet are run in any one year; nor more than ten cents per thousand feet, board measure, on any stream where from fifty to one hundred millions of feet are run in any one year; nor more than five cents per thousand feet, board measure, on any stream where from one to two hundred millions of feet or more are run in any one year; and the collection of such tolls shall be confined strictly to that part or portion of a river or stream so improved, and to that class of floatables benefited by the improvement; and nothing in this act shall be construed to give jurisdiction to any corporation over any portion of a river or stream other than the portion specifically improved by such corporation. Such corporation shall cause to be made out and filed with said board of control, at or before its meeting on the last Wednesday in March, each year, the affidavit of its president or one of its directors, setting forth in detail, upon his best information and belief, what amount of timber, logs, and lumber will be run through any section or sections of the river improved by the company during that year, and that the official has made due and reasonable inquiry on the subject from persons lumbering on the river, and otherwise.¹

Construction of
this act as to ju-
risdiction.

Annual state-
ment.

(2731.) SEC. 16. Any stream improved under this act shall be open to all persons for use, upon the payment of tolls prescribed as aforesaid, for the passage of vessels, boats, logs, rafts, timber, and lumber through such improved stream or waters, and uniform rates of toll shall be charged to all persons, whether stockholders in such company or not.

Improved
streams open to
all, on payment
of tolls, etc.

(2732.) SEC. 17. Whenever said tolls are prescribed as aforesaid, the directors thereof may collect the same from persons using such improved portions of such stream or waters, at such places and in such manner as such company may deem expedient.

How tolls col-
lected.

(2733.) SEC. 18. Such company shall have a lien upon all logs, rafts, timber, or lumber, or other floatables, driven, rafted, or run through such stream or waters, upon which toll shall be due, for such toll, and may sell a sufficient quantity of such logs, timber, or lumber, or other floatables, to satisfy said claim or demand, with the expense of such sale, at public auction, on not less than ten days' notice, either personally served upon such owner, or posted in three or more conspicuous places in the township where such logs are held, and in either case by posting a like notice, also, in the office of such company, of the mark, description, and supposed

Lien had upon
floatables, may
sell to satisfy
claims for tolls.

Notice of sale,
etc.

¹ Vide note to section 5 of this act.

owner of such logs, timber, or lumber, and the charges for which the same is to be sold.

Board of directors shall keep stream in good condition.

(2734.) SEC. 19. The board of directors of any such company shall at all times after commencing the collection of any tolls from persons using said improved stream or waters, keep such portions of the stream or waters clear of all unnecessary obstructions, and in good condition for the passage of rafts, timber, logs, lumber, vessels, or boats for which toll is charged, and in case of any dilapidation or obstruction which is calculated to endanger or delay the passage of rafts, timber, logs, or lumber, boats or vessels as aforesaid, it shall be the duty of the board of directors, without unnecessary delay, to make such repairs as shall restore such stream or waters to their proper condition; and in case said board of directors shall fail to comply with the provisions of this section, the corporation shall for every such neglect or refusal, be liable to a forfeiture of one hundred dollars, to be recovered in an action of debt, by any person aggrieved or injured thereby: *Provided*, That in all cases one of said board of directors shall first have been notified of such defect, and the necessary time for its repair shall have elapsed after such notice and before the commencement of such suit.

Liability for neglect so to do.

Proviso.

Punishment for willfully obstructing, etc.

(2735.) SEC. 20. If any person shall willfully obstruct any stream or waters improved under the provisions of this act, or any part thereof, or shall willfully destroy or injure any buildings, piers, dams, fixtures, banks, or other constructions in use upon the same belonging to said company, such person or persons so offending shall, for every offense, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year, in the discretion of the court.

Obstructing floatage with logs, etc.

(2736.) SEC. 21. If any person or persons shall put or cause to be put into said stream or waters any logs, timber, or lumber, and shall not make adequate provisions and put on sufficient force for breaking jams of such logs, timber, or lumber in or upon such stream or waters, or for running, rafting, or driving the same, and thereby obstruct the floatage or navigation, it shall be lawful for such company to cause such jams to be broken, and such logs, lumber, or timbers to be run, driven, boomed, rafted, or secured, at the charge or expense of the person or persons owning said logs, timber, or lumber; and said company shall have a lien upon such logs, timber, or lumber as shall be sufficient to pay and satisfy all just and reasonable charges therefor, and expense and cost thereof, and shall be

Company shall have lien on such logs, etc., for expenses of removing.

entitled to take and retain possession of such logs, timber, or lumber, or so much thereof as may be necessary to satisfy the amount of such charges for breaking such jams, and for driving, booming, rafting, and running of said logs, timber, or lumber, and expenses and costs thereon, until the same be satisfied and paid; and such corporation shall proceed to collect such charges, costs, and expenses in the manner hereinafter prescribed.

(2737.) SEC. 22. Any such corporation claiming any lien may bring an action of assumpsit against the owner of such property, to determine and satisfy the amount of such lien. The proceedings in such actions shall be in accordance with the practice of the courts in which such action is commenced, in actions of assumpsit, and the property so held may be levied upon and sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit, including the costs and expenses of providing for the care and safety of such property.

Action of assumpsit may be brought to satisfy lien.

Proceedings in such action.

(2738.) SEC. 23. If the owner of such logs, timber, or other floatables cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the petition of said corporation claiming such lien in the proper court, which shall contain a statement of the nature and amount of the claim, and a description of the property seized, and that the owner of such property is unknown, or is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim, which petition shall be verified by the oath of the president of such corporation filing the same, or its agent or attorney. The plaintiff shall thereupon, and before any trial shall be had or judgment rendered in such proceeding, cause a notice to be published for four successive weeks, at least once in each week, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this State as such court shall direct, which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and the description of the property upon which the lien is sought to be enforced. The owner of such property shall have a right to appear and defend in such proceedings, at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed as in actions of assumpsit, and all subsequent proceedings in such case shall be in accordance with the practice

Proceedings when owner of such logs cannot be ascertained.

Plaintiff's notice, publication of, before trial.

Contents of.

When owner may appear to defend, etc.

If owner fail to appear.	of such court in actions of assumpsit. If the owner shall fail to appear in such proceeding, the court may proceed, <i>ex parte</i> , to hear, try, and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order that the property covered by such lien, or as much thereof as may be necessary, be sold to satisfy the amount of such judgment, with costs.
When court shall order sale of property covered by lien.	
Annual report to Secretary of State.	(2739.) SEC. 24. On or before the first Monday in January in each year, it shall be the duty of the directors of every company formed under this act, to report to the Secretary of State, under the oath of at least two of the directors, the length of the stream or waters so improved, the cost of such improvements, the amount of money expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such improvement, the amount received during the previous year for tolls, and from all other sources, stating each separately, the amount set apart for repairs, the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.
Contents.	
Tax of one per cent on paid capital, authorized.	(2740.) SEC. 25. Each and every company formed under this act shall pay to the Treasurer of the State of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of said company, which tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday in July of each year, and shall be in lieu of all other taxes upon all the property of said company.
How estimated.	
Liability of stockholders for payment of corporate debts.	(2741.) SEC. 26. The stockholders of every company organized in pursuance of this act shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due, during the time of their holding such stocks, for any labor or services done or performed for such company; but no stockholder shall be proceeded against for the collection of any debt or demand against such company, until judgment thereon shall have been obtained against the association, and an execution on such judgment shall have been returned unsatisfied, in whole or in part, or unless such association shall be dissolved.
When proceedings may be had against stockholders.	
Shares deemed personal property.	(2742.) SEC. 27. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company.

(2743.) SEC. 28. Service of any legal process against any such corporation may be made on the president, treasurer, or upon any one of the directors of such company. Service of process; upon whom may be served.

(2744.) SEC. 29. All companies formed under this act shall at all times be subject to all general laws in force relative to corporations. Companies subject to general laws.

SEC. 30. This act shall take immediate effect.

CHAPTER LXXX VI.

WATER-POWER COMPANIES.

An Act to provide for the incorporation of water-power companies.

[Approved March 20, 1863. Laws of 1863, p. 399.]

(2745.) SECTION 1. *The People of the State of Michigan enact,* Companies may be organized.
That any number of persons, not less than five, may be formed into a corporation for the purpose of maintaining, repairing, and improving any canal, with water-power appurtenant thereto, constructed and used for the transmission of water and the creation of water-power thereby for manufacturing uses, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county in which the said canal may be situated, and if there be no newspaper printed in said county, then such notice shall be printed in some newspaper of an adjoining county having circulation in said county, of the time and place where all persons desirous of forming such company may meet and subscribe articles of association, and elect directors of such company, in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the directors who shall manage the concerns of the company for the first year, and shall hold their Requirements.
Articles of association.

offices until others are elected, the canal on which the business of said company is intended to be done, and the place within the State where the office of said company shall be kept.

Subscribers to
sign articles.

(2746.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The said

Articles, where
filed.

articles of association shall be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who from time to time shall associate with them, shall

Body corporate.

be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal. A copy

Copy of articles
to be evidence of
incorporation.

of any articles of association filed in pursuance of this section, with a copy of an affidavit, made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and the facts therein stated.

Board of direct-
ors.

(2747.) SEC. 3. The business of said company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and after such notice of the election, as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their offices until their successors are elected. The said board shall elect from their number a president, and appoint a treasurer, who shall give such bond as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board, the remaining directors may elect any member of said company to fill such vacancy as director for the remainder of the term and until a successor is elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter, upon giving like notice.

Officers of.

How members
constituted.

(2748.) SEC. 4. Any person owning any interest in the canal and water-power under the control of such association may become a member thereof at any time by subscribing his name to the articles of association; and any person or persons who shall purchase an interest in said water-power of any member of this association shall become a member of said association without other act, and

shall succeed to all his grantor's rights and privileges in the same, as a member thereof, to the extent of the interest so purchased.¹

(2749.) SEC. 5. When the canal or any of its appurtenances under the control of such association may need to be repaired or rebuilt, the directors of said association may cause the same to be done at the expense of the owners thereof: *Provided*, That in all cases of permanent improvements of the water-power or appurtenances thereto, as distinguished from repairs, the said directors shall not be authorized to make such improvements or incur any expense concerning the same, unless first authorized by a vote of the members of said association at a regular or annual meeting thereof, or at a meeting to be called for that purpose: *And provided further*, That the expense of permanent improvements which are not rendered necessary for the actual preservation or protection of said water-power or its appurtenances shall be assessed and collected, in the manner hereinafter provided, only upon the members of such association and such owners of water-power not members as shall have consented thereto previous to the making of such improvement.²

(2750.) SEC. 6. Whenever the board of directors shall make any repairs not authorized at any meeting of said association, it shall be their duty to file with the clerk of said association a statement containing—

First. A description of the work done;

Second. The expense thereof;

Third. The amount paid and to whom paid;

Fourth. The amount unpaid, if any, and to whom due.³

(2751.) SEC. 7. For the purpose of defraying the expenses of such repairing, rebuilding, or permanent improvement, and such contingent expenses as may be incurred in the discharge of their duties as directors of such association, the said directors may make from time to time, as the work progresses, an assessment upon the owners of such water-power, assessing and apportioning to and upon each owner thereof, such portion of said expenses as the water-power used or owned by such person bears to the whole water-power furnished by such canal and its appurtenances; and when a water-power afforded by such canal is owned by a firm or corporation, such firm or corporation shall be considered as an

Directors may make needful repairs.

Provido.

Further proviso.

Proceedings when directors make repairs unauthorized.

What statement to contain.

How and when assessments to be made.

Made on corporations, etc., the same as individuals.

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Body corporate.

be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal. A copy

Copy of articles
to be evidence of
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of any articles of association filed in pursuance of this section, with a copy of an affidavit, made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company and the facts therein stated.

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individual member, and such assessment may be made to and upon such firm or corporation.¹

How collected.

(2752.) SEC. 8. The said assessment shall then be delivered to the treasurer of the association for collection, who shall proceed forthwith and shall demand payment from each person named in said assessment of the amount apportioned to him; and if any such person shall neglect or refuse to pay the amount within five days after such demand, to the treasurer, the same may be sued for and recovered as provided in section eighteen of this act.¹

How notice shall be given to non-residents.

(2753.) SEC. 9. In case any person upon whom an assessment shall have been made, as is herein provided, shall be a non-resident of the county in which said water-power is located, or absent, so that personal demand cannot be made upon him by the treasurer for the payment of such assessment, then in such case the treasurer shall give notice of such assessment by inserting a notice in some daily paper published in the town or city where such canal is located, in each issue, for four successive weeks, if a daily paper be published therein, if not, then in a weekly paper published in the county where said canal is located, once in each week for four successive weeks, specifying the fact of such assessment, and the name or description of the interest so assessed, and the amount of the assessment: *Provided*, That in case the directors shall so direct, it shall be lawful to include one or more assessments upon the same person or interest in one notice, and by a notice by mail directed to the owner's reputed place of residence; and the publication aforesaid, and the giving of notice by mail as aforesaid, shall be deemed equivalent to a personal demand in the cases specified in this section after the publication and mailing said notices as aforesaid.¹

Proviso.

When notice shall be deemed equivalent to a personal demand

Assessments, etc., a mortgage lien upon interest assessed.

When to have preference.

(2754.) SEC. 10. All assessments made under the provisions of this act shall be and remain a mortgage-lien upon the interest so assessed from and after the completion of the work for which such assessment was made, until paid, together with interest and the cost of publishing notice, if notice shall be published; and said mortgage-lien shall have preference over all incumbrances on said interest from and after the recording of a certificate, as is herein-after provided, except incumbrances now existing thereon in good faith, and except taxes assessed or to be assessed thereon by any law of this State.¹

Certificate of secretary relative to assessments.

(2755.) SEC. 11. After such mortgage-lien shall have attached to such interest in such canal and water-power, the secretary of

¹ Vide note to section 4.

such association shall make a certificate in writing, to be signed by him and countersigned by the president, which certificate shall state—

First. The amount of such assessment or assessments;

Second. That the work for which such assessment was made *ibid.* has been done;

Third. The time when the same became a lien;

Fourth. A description of the property or interest upon which such assessment was made;

Fifth. The amount due thereon, together with the costs made thereon; which certificate shall be verified by the affidavit of such secretary, or some member of the board of directors, and shall be recorded and indexed by the register of deeds of the county in which such water-power is situated, in the books for mortgage, the same as if it were a mortgage given by the owner of the interest so assessed; and such record, or a certified copy thereof, shall be notice and evidence to the same intent, extent, and for the same purpose as a mortgage so recorded.¹

When and how recorded.

(2756.) SEC. 12. Such mortgage-lien created as aforesaid shall be in the nature of a mortgage on real estate, and may be foreclosed and collected the same as a mortgage is now enforced and collected in equity, and shall be subject to all laws of this State in relation to the foreclosure and satisfaction of mortgages in chancery, as near as may be. All suits commenced for the foreclosure, collection, and satisfaction of such mortgage-lien shall be in the corporate name of such association.¹

Foreclosure and collection of such lien.

(2757.) SEC. 13. Suits may be commenced for the foreclosure of such mortgage-lien at the expiration of sixty days from the time the certificate shall be recorded, as mentioned in section eleven of this act.¹

Ibid.

(2758.) SEC. 14. Meetings of the members of the association may be called by any director, and it shall be the duty of any director to call a meeting of the members of said association on the written application of three members thereof. In all cases other than the annual or regular meetings, notice of such meeting, and of the time and place thereof, shall be given by personal service thereof, if practicable, otherwise by posting a notice of such meeting on the premises of each member not personally served, in a conspicuous place, at least twenty-four hours before the time of meeting; and proof of the time and manner of such service,

How and when meetings may be called.

Notice for special meetings.

¹ Vide note to section 4 of this act.

by affidavit of the person serving the same, shall be made and filed with the secretary of the association.¹

The board of directors may appoint a watchman.

(2759.) SEC. 15. The board of directors are also authorized, in case they deem it expedient for the safety and well-being of the property under their control, to employ a competent watchman to watch during the night, to see that the canal or its appurtenances receive no injury from breaks in embankments or other causes; and they may prescribe his duties and fix his compensation, and raise means to pay the same in the manner hereinbefore provided.¹

Duty and compensation of same.

Contracts; how and by whom made.

(2760.) SEC. 16. The said board of directors shall have power to make all necessary contracts in the name of the corporation to carry out the duties imposed upon them by this act, which contract shall be signed by the president of the board, if in writing, in the corporate name thereof.¹

Treasurer shall receive and pay out all moneys.

(2761.) SEC. 17. The treasurer of said board shall receive all moneys paid to him on assessment, and hold the same, to be paid out on the order of the said board, certified to the president thereof.¹

Sums due may be recovered in an action of assumpsit.

(2762.) SEC. 18. All sums due from any person upon any assessment authorized by this act may be recovered with interest in an action of assumpsit brought in the name of the corporation in any court of competent jurisdiction, or as provided in section twelve of this act.¹

Disposition of funds on hand at time of annual meeting.

(2763.) SEC. 19. At the annual meeting of the members of said association held for the election of officers, pursuant to the by-laws thereof, the members representing the majority of interest in such water-power may, by vote, make disposition of all the funds shown by the report of the treasurer of the board of directors, to be made to said meeting, to be in his hands, and such funds shall be paid out as so voted by said treasurer upon the certificate of the president of said board.¹

Powers through the by-laws.

(2764.) SEC. 20. Said association shall have power by its by-laws to regulate the use of the water transmitted through the canal under its control by the several owners thereof; to determine the absolute or average head of said water, for the measurement of the quantity to be used by the several owners thereof in proportion to their interest in the water-power furnished by said canal; and to provide for the construction and maintenance in good order of all flumes, gateways, and other structures built to draw water from said canal, and for the tightening, contracting, or enlarging of the same according to the various stages of water in said canal; and in

¹ Vide note to section 4 of this act.

said by-laws to provide for the manner in which the aforesaid regulations shall be made, published, and enforced; and to provide for regular meetings of the association, and the time and place of holding the same.¹

(2765.) SEC. 21. The stockholders of all corporations or associations formed under the provisions of this act shall be individually liable for all labor performed for such corporation or association.

Stockholders individually liable for labor performed.

(2766.) SEC. 22. All owners of water-power afforded by any canal or its appurtenances, which is under the control of any association formed under this act, who are tenants in common of the water, water-power, or easements, or canal and appurtenances, with the members of said association formed under this act, or the act to which this act is amendatory, shall be deemed to have consented to the making of such repairs and improvements as are proper or necessary for the protection and preservation of such canal and its appurtenances, and such as render the same generally available to the owners thereof, and it shall not be necessary in any such case, in any proceedings under this act, to allege or show a previous request made to them to join in making such repairs and improvements, but they shall be respectively liable to pay their just proportion at the time and in the manner in this act provided.²

Tenants in common of water, etc., liable for just share of cost of repairs, etc., without having been previously requested to join in same.

¹ Vide note to section 4 of this act.

² As added by Act 90 of the Laws of 1871, p. 122, approved and took effect April 12, 1871.

CHAPTER LXXXVII.

RAFTING COMPANIES.

An Act to provide for the formation of companies for running, driving, booming, and rafting logs, timber, and lumber, and for regulating the floatage thereof.

[Approved February 9, 1855. Laws of 1855, p. 55.]

Corporation,
how formed.
6 Mich. 266.
11 Mich. 189.

(2767.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, may be formed into a corporation for the purpose of running, driving, booming, and rafting logs, timber, and lumber on any of the streams or waters within this State, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county, or in some one of the counties in which said stream or waters may be, and if there be no newspaper printed in such county or counties, then such notice shall be printed in some newspaper of some adjoining county, having circulation in said county or counties, of the time and place where all persons desirous of forming such company may meet and subscribe articles of association and elect directors of such company; in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the directors, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the stream or waters upon which the business of said company is intended to be done, and the place within this State where the business office of said company shall be kept.

Articles of association.

Articles to be
subscribed, and
filed with Secre-
tary of State.

(2768.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The said

articles of association may be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time associate with them, shall be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring, by gift, grant, lease, or otherwise, and holding any lands, tenements, or hereditaments, necessary to be used in the prosecution of said business, or for the erection of offices, houses, or other buildings, necessary and proper for carrying on the business of said corporation. A copy of any articles of association, filed in pursuance of this section, with a copy of an affidavit made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be, in all courts and places, presumptive evidence of the incorporation of such company and the facts therein stated.

Certified copy
to be evidence.

(2769.) SEC. 3. The business and property of such company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and such notice of the election, as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their office until their successors are elected. The said board may elect from their number a president, and appoint a treasurer, who shall give such bonds as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board, the remaining directors may elect any member of said company to fill said vacancy as director for the remainder of the term and until their successors are elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter upon giving like notice. The said board of directors shall have full power and authority to appoint all agents and attorneys needful and proper, in the prosecution of the business or affairs of the company; to assess and collect all rates, dues, and sums of money of the members of said company, by demand, suit, or otherwise, in any place, court, or jurisdiction, according to law, and the

Officers and
agents, how
elected and ap-
pointed.
11 Mich. 189.

Powers of di-
rectors.

provisions of the articles of association, rules, and by-laws of said association, or the directors thereof.

General powers
of corporation,
and restrictions
thereon.
11 Mich. 189.

(2770.) SEC. 4. Such corporations shall have authority to make and construct all proper and necessary rollways, booms, piers, and other constructions along said stream or waters, for the running, driving, booming, rafting, or securing said logs, timber, or lumber:

Proviso.

Provided, That in all cases the consent of the riparian owner or occupants of any lands whereon such rollways, booms, piers, or other constructions are intended to be made, shall first have been obtained: *And provided also*, That no such rollway, boom, pier, or other construction shall interrupt or hinder the free use, navigation, or floatage upon such stream or waters, by the public or any person interested in the same, to be so constructed as to infringe upon the rights of individuals.

Further proviso.

Person owning
logs, etc., may
become mem-
ber.

(2771.) SEC. 5. Any person owning logs, timber, or lumber, intended to be run or driven upon said stream or waters, or interested in running, driving, booming, or rafting the same, may become a member of this corporation, upon application, by signing the articles of said company, and paying his just proportion of the

Or may run his
own logs, etc.

expense of managing and conducting its affairs: *Provided*, Nothing in this act contained shall be so construed as in any manner to prevent or hinder any person or persons from running, driving, booming, or rafting their own logs, timber or lumber, at such time and in such manner as their interest may require: *Provided also*,

But not obstruct
navigation.

That all persons owning, running, driving, rafting or booming any logs, timber, or lumber, in or upon such stream or waters, shall not leave them in such a situation as to obstruct the floatage or navigation, or clearing the banks of such stream or waters, [or] in any manner thereby deprive individuals or the public of their natural privileges.

Proceedings
when floatage,
navigation, etc.,
obstructed,
11 Mich. 189.

(2772.) SEC. 6. If any person or persons shall put, or cause to be put, into said stream or waters, any logs, timber, or lumber, and shall not make adequate provisions and put on sufficient force for breaking rollways and jams of such logs, timber, or lumber, in or upon such stream or waters, or for running, driving, booming, rafting, securing, or clearing the banks of the same, and thereby obstruct the floatage or navigation or clearing the banks of such stream or waters, it shall be lawful for such company to cause such rollways or jams to be broken, and such logs, timber, or lumber to be run, driven, boomed, rafted, secured, or cleared from the banks of such stream or waters, at the charge and expense of the person or persons owning said logs, timber, or lumber; and said company

shall have a lien upon such quantity of said logs, timber, or lumber as shall be sufficient to pay and satisfy all just and reasonable charges against the same, proportionate to their number, quantity, and the expense of running and securing the same as aforesaid, and may sell at public auction, on not less than ten days' notice, either personally served upon such owner, or posted in three or more conspicuous places in the township where such logs are held; and in either case, by posting a like notice also in the office of such company, of the mark, description, and supposed owner of such logs, timber, or lumber, and the amount of the charges for which the same is to be sold, a sufficient quantity of such logs, timber, or lumber, to satisfy said claim, charge, or demand, with the expense of such sale.

(2773.) SEC. 7. Each member of said company shall be individually liable to pay and satisfy all debts and obligations of said company, and said company shall have a lien on all logs, timber, or lumber, run, driven, boomed, rafted, cleared from the banks, or secured by said company, whether of its members or other person or persons whose logs, timber, or lumber have been run, driven, boomed, rafted, cleared from the banks, or secured by virtue of any contract to that purpose by and between said person or persons and said company, and may sell the same on not less than thirty days' notice, made and published in like manner, and to the like effect, as provided for in the preceding section, unless otherwise provided by contract.

Individual liability of members.

Lien of company on logs, etc., for demands due them.

(2774.) SEC. 8. The said company shall keep posted in some conspicuous place in the office thereof, a list of the names of all the members thereof, and of all the persons whose logs, timber, or lumber they have contracted to run, drive, boom, raft, clear from the banks, or secure, with a description of each mark or marks intended to be used upon such logs, timber, or lumber, so far as the same may be known. And if any other person or persons, owning or interested in the running and securing of any logs, timber, or lumber on such streams or waters, shall furnish to the secretary of such companies a like list of the name, residence, and mark or marks of such person or persons, the secretary shall post the same in like manner as herein provided; and every such person shall be entitled to thirty days' notice in all cases provided for in section six of this act, to be given in the same manner as otherwise provided. And every such company, and every person owning or interested in the running and securing as aforesaid, any logs, timber, or lumber on such stream or waters, shall cause to be filed in

List of members and marks to be posted in office, etc.

And filed with county clerk.

the office of the clerk of the county in which the mouth of such stream or waters may be, the name, residence, and every mark used or intended to be used by such company or person.

This act shall take effect immediately.

CHAPTER LXXXVIII.

THE RUNNING, BOOMING, AND RAFTING OF LOGS.

An Act to authorize the formation of corporations for the running, booming, and rafting of logs.

[Approved February 4, 1864. Laws of 1864, p. 23.]

Formation of
corporations
authorized.

Body politic.

Proviso.

Articles of
association,
where filed.

(2775.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, who shall, by articles of agreement in writing, associate, according to the provisions of this act, under any name assumed by them, for the purpose of engaging in and carrying on the business of running, driving, booming, and rafting logs, timber, lumber, and other floatables on any of the streams or waters within this State, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic or corporate, in fact and name, under any name assumed by them in their articles of association; and by such name shall be capable of suing and being sued in any court in this State; and may have a common seal, and alter and amend the same at pleasure; may elect, in such manner as they shall determine, all necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the stockholders shall direct: *Provided,* That no two companies shall assume the same name.

(2776.) SEC. 2. Before any corporation formed under this act shall commence business, the president and directors shall cause a

copy of their articles of association to be filed in the office of the county clerk of the county or counties in which such association shall have and use their boom or booms; and a copy of any articles of association, filed in pursuance of this act, certified by the county clerk of the proper county to be a true copy thereof, and of the whole of such articles of association, shall be in all courts and places presumptive evidence of the incorporation of such company, and of the facts therein stated.

Certified copy
evidence of in-
corporation.

(2777.) SEC. 3. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state—

Articles of asso-
ciation, how ex-
ecuted.

First. Distinctly the purpose for which the same is formed;

Contents of.

Second. The amount of their capital stock, and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The place in this State where their office for the transaction of business is located, and the stream or streams upon which their business is to be carried on;

Sixth. The term of its existence, not to exceed thirty years.

(2778.) SEC. 4. Every such corporation shall, annually, in the month of January, make a report, signed by a majority of the board of directors, containing—

Annual report

First. The amount of capital stock actually paid in;

Second. The amount invested in real and personal estate;

Third. The amount of their debts and credits, as near as may be;

Fourth. The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified by the oath of the officers signing the same, and shall be filed with the secretary of the association, and also in the office of the county clerk of the county in which the office of said association shall be located, and open at all reasonable times for the examination of any and every stockholder.

(2779.) SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and in no case shall be less than ten thousand dollars, nor more than two hundred thousand dollars, and shall be divided in shares of one hundred dollars each. The capital stock and the number of shares may be increased at any meet-

Capital stock;
amount of, how
fixed.

Value of shares.

individual member, and such assessment may be made to and upon such firm or corporation.¹

How collected. (2752.) SEC. 8. The said assessment shall then be delivered to the treasurer of the association for collection, who shall proceed forthwith and shall demand payment from each person named in said assessment of the amount apportioned to him; and if any such person shall neglect or refuse to pay the amount within five days after such demand, to the treasurer, the same may be sued for and recovered as provided in section eighteen of this act.¹

How notice shall be given to non-residents. (2753.) SEC. 9. In case any person upon whom an assessment shall have been made, as is herein provided, shall be a non-resident of the county in which said water-power is located, or absent, so that personal demand cannot be made upon him by the treasurer for the payment of such assessment, then in such case the treasurer shall give notice of such assessment by inserting a notice in some daily paper published in the town or city where such canal is located, in each issue, for four successive weeks, if a daily paper be published therein, if not, then in a weekly paper published in the county where said canal is located, once in each week for four successive weeks, specifying the fact of such assessment, and the name or description of the interest so assessed, and the amount of the assessment: *Provided*, That in case the directors shall so direct, it shall be lawful to include one or more assessments upon the same person or interest in one notice, and by a notice by mail directed to the owner's reputed place of residence; and the publication aforesaid, and the giving of notice by mail as aforesaid, shall be deemed equivalent to a personal demand in the cases specified in this section after the publication and mailing said notices as aforesaid.¹

Proviso.

When notice shall be deemed equivalent to a personal demand

Assessments, etc., a mortgage lien upon interest assessed.

When to have preference.

Certificate of secretary relative to assessments.

(2754.) SEC. 10. All assessments made under the provisions of this act shall be and remain a mortgage-lien upon the interest so assessed from and after the completion of the work for which such assessment was made, until paid, together with interest and the cost of publishing notice, if notice shall be published; and said mortgage-lien shall have preference over all incumbrances on said interest from and after the recording of a certificate, as is herein-after provided, except incumbrances now existing thereon in good faith, and except taxes assessed or to be assessed thereon by any law of this State.¹

(2755.) SEC. 11. After such mortgage-lien shall have attached to such interest in such canal and water-power, the secretary of

¹ Vide note to section 4.

such association shall make a certificate in writing, to be signed by him and countersigned by the president, which certificate shall state—

First. The amount of such assessment or assessments;

Second. That the work for which such assessment was made ^{1b4} has been done;

Third. The time when the same became a lien;

Fourth. A description of the property or interest upon which such assessment was made;

Fifth. The amount due thereon, together with the costs made thereon; which certificate shall be verified by the affidavit of such secretary, or some member of the board of directors, and shall be recorded and indexed by the register of deeds of the county in which such water-power is situated, in the books for mortgage, the same as if it were a mortgage given by the owner of the interest so assessed; and such record, or a certified copy thereof, shall be notice and evidence to the same intent, extent, and for the same purpose as a mortgage so recorded.¹ When and how recorded.

(2756.) SEC. 12. Such mortgage-lien created as aforesaid shall be in the nature of a mortgage on real estate, and may be foreclosed and collected the same as a mortgage is now enforced and collected in equity, and shall be subject to all laws of this State in relation to the foreclosure and satisfaction of mortgages in chancery, as near as may be. All suits commenced for the foreclosure, collection, and satisfaction of such mortgage-lien shall be in the corporate name of such association.¹ Foreclosure and collection of such lien.

(2757.) SEC. 13. Suits may be commenced for the foreclosure of such mortgage-lien at the expiration of sixty days from the time the certificate shall be recorded, as mentioned in section eleven of this act.¹ 1b4.

(2758.) SEC. 14. Meetings of the members of the association may be called by any director, and it shall be the duty of any director to call a meeting of the members of said association on the written application of three members thereof. In all cases other than the annual or regular meetings, notice of such meeting, and of the time and place thereof, shall be given by personal service thereof, if practicable, otherwise by posting a notice of such meeting on the premises of each member not personally served, in a conspicuous place, at least twenty-four hours before the time of meeting; and proof of the time and manner of such service, How and when meetings may be called.

Notice for special meetings.

¹ Vide note to section 4 of this act.

by affidavit of the person serving the same, shall be made and filed with the secretary of the association.¹

The board of directors may appoint a watchman.

(2759.) SEC. 15. The board of directors are also authorized, in case they deem it expedient for the safety and well-being of the property under their control, to employ a competent watchman to watch during the night, to see that the canal or its appurtenances receive no injury from breaks in embankments or other causes; and they may prescribe his duties and fix his compensation, and raise means to pay the same in the manner hereinbefore provided.¹

Duty and compensation of same.

Contracts; how and by whom made.

(2760.) SEC. 16. The said board of directors shall have power to make all necessary contracts in the name of the corporation to carry out the duties imposed upon them by this act, which contract shall be signed by the president of the board, if in writing, in the corporate name thereof.¹

Treasurer shall receive and pay out all moneys.

(2761.) SEC. 17. The treasurer of said board shall receive all moneys paid to him on assessment, and hold the same, to be paid out on the order of the said board, certified to the president thereof.¹

Sums due may be recovered in an action of assumpsit.

(2762.) SEC. 18. All sums due from any person upon any assessment authorized by this act may be recovered with interest in an action of assumpsit brought in the name of the corporation in any court of competent jurisdiction, or as provided in section twelve of this act.¹

Disposition of funds on hand at time of annual meeting.

(2763.) SEC. 19. At the annual meeting of the members of said association held for the election of officers, pursuant to the by-laws thereof, the members representing the majority of interest in such water-power may, by vote, make disposition of all the funds shown by the report of the treasurer of the board of directors, to be made to said meeting, to be in his hands, and such funds shall be paid out as so voted by said treasurer upon the certificate of the president of said board.¹

Powers through the by-laws.

(2764.) SEC. 20. Said association shall have power by its by-laws to regulate the use of the water transmitted through the canal under its control by the several owners thereof; to determine the absolute or average head of said water, for the measurement of the quantity to be used by the several owners thereof in proportion to their interest in the water-power furnished by said canal; and to provide for the construction and maintenance in good order of all flumes, gateways, and other structures built to draw water from said canal, and for the tightening, contracting, or enlarging of the same according to the various stages of water in said canal; and in

¹ Vide note to section 4 of this act.

said by-laws to provide for the manner in which the aforesaid regulations shall be made, published, and enforced; and to provide for regular meetings of the association, and the time and place of holding the same.¹

(2765.) SEC. 21. The stockholders of all corporations or associations formed under the provisions of this act shall be individually liable for all labor performed for such corporation or association.

Stockholders individually liable for labor performed.

(2766.) SEC. 22. All owners of water-power afforded by any canal or its appurtenances, which is under the control of any association formed under this act, who are tenants in common of the water, water-power, or easements, or canal and appurtenances, with the members of said association formed under this act, or the act to which this act is amendatory, shall be deemed to have consented to the making of such repairs and improvements as are proper or necessary for the protection and preservation of such canal and its appurtenances, and such as render the same generally available to the owners thereof, and it shall not be necessary in any such case, in any proceedings under this act, to allege or show a previous request made to them to join in making such repairs and improvements, but they shall be respectively liable to pay their just proportion at the time and in the manner in this act provided.²

Tenants in common of water, etc., liable for just share of cost of repairs, etc., without having been previously requested to join in same.

¹ Vide note to section 4 of this act.

² As added by Act 90 of the Laws of 1871, p. 122, approved and took effect April 12, 1871.

CHAPTER LXXXVII.

RAFTING COMPANIES.

An Act to provide for the formation of companies for running, driving, booming, and rafting logs, timber, and lumber, and for regulating the floatage thereof.

[Approved February 9, 1855. Laws of 1855, p. 55.]

Corporation,
how formed.
6 Mich. 266.
11 Mich. 189.

(2767.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, may be formed into a corporation for the purpose of running, driving, booming, and rafting logs, timber, and lumber on any of the streams or waters within this State, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county, or in some one of the counties in which said stream or waters may be, and if there be no newspaper printed in such county or counties, then such notice shall be printed in some newspaper of some adjoining county, having circulation in said county or counties, of the time and place where all persons desirous of forming such company may meet and subscribe articles of association and elect directors of such company; in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the directors, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the stream or waters upon which the business of said company is intended to be done, and the place within this State where the business office of said company shall be kept.

Articles of association.

Articles to be
subscribed, and
filed with Secre-
tary of State.

(2768.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The said

articles of association may be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time associate with them, shall be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring, by gift, grant, lease, or otherwise, and holding any lands, tenements, or hereditaments, necessary to be used in the prosecution of said business, or for the erection of offices, houses, or other buildings, necessary and proper for carrying on the business of said corporation. A copy of any articles of association, filed in pursuance of this section, with a copy of an affidavit made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be, in all courts and places, presumptive evidence of the incorporation of such company and the facts therein stated.

Certified copy
to be evidence.

(2769.) SEC. 3. The business and property of such company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and such notice of the election, as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their office until their successors are elected. The said board may elect from their number a president, and appoint a treasurer, who shall give such bonds as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board, the remaining directors may elect any member of said company to fill said vacancy as director for the remainder of the term and until their successors are elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter upon giving like notice. The said board of directors shall have full power and authority to appoint all agents and attorneys needful and proper, in the prosecution of the business or affairs of the company; to assess and collect all rates, dues, and sums of money of the members of said company, by demand, suit, or otherwise, in any place, court, or jurisdiction, according to law, and the

Officers and
agents, how
elected and ap-
pointed.
11 Mich. 189.

Powers of di-
rectors.

provisions of the articles of association, rules, and by-laws of said association, or the directors thereof.

General powers
of corporation,
and restrictions
thereon.
11 Mich. 189.

(2770.) SEC. 4. Such corporations shall have authority to make and construct all proper and necessary rollways, booms, piers, and other constructions along said stream or waters, for the running, driving, booming, rafting, or securing said logs, timber, or lumber:

Proviso.

Provided, That in all cases the consent of the riparian owner or occupants of any lands whereon such rollways, booms, piers, or other constructions are intended to be made, shall first have been obtained: *And provided also*, That no such rollway, boom, pier, or other construction shall interrupt or hinder the free use, navigation, or floatage upon such stream or waters, by the public or any person interested in the same, to be so constructed as to infringe upon the rights of individuals.

Further proviso.

Person owning
logs, etc., may
become mem-
ber.

(2771.) SEC. 5. Any person owning logs, timber, or lumber, intended to be run or driven upon said stream or waters, or interested in running, driving, booming, or rafting the same, may become a member of this corporation, upon application, by signing the articles of said company, and paying his just proportion of the

Or may run his
own logs, etc.

expense of managing and conducting its affairs: *Provided*, Nothing in this act contained shall be so construed as in any manner to prevent or hinder any person or persons from running, driving, booming, or rafting their own logs, timber or lumber, at such time and in such manner as their interest may require: *Provided also*,

But not obstruct
navigation.

That all persons owning, running, driving, rafting or booming any logs, timber, or lumber, in or upon such stream or waters, shall not leave them in such a situation as to obstruct the floatage or navigation, or clearing the banks of such stream or waters, [or] in any manner thereby deprive individuals or the public of their natural privileges.

Proceedings
when floatage,
navigation, etc.,
obstructed.
11 Mich. 189.

(2772.) SEC. 6. If any person or persons shall put, or cause to be put, into said stream or waters, any logs, timber, or lumber, and shall not make adequate provisions and put on sufficient force for breaking rollways and jams of such logs, timber, or lumber, in or upon such stream or waters, or for running, driving, booming, rafting, securing, or clearing the banks of the same, and thereby obstruct the floatage or navigation or clearing the banks of such stream or waters, it shall be lawful for such company to cause such rollways or jams to be broken, and such logs, timber, or lumber to be run, driven, boomed, rafted, secured, or cleared from the banks of such stream or waters, at the charge and expense of the person or persons owning said logs, timber, or lumber; and said company

shall have a lien upon such quantity of said logs, timber, or lumber as shall be sufficient to pay and satisfy all just and reasonable charges against the same, proportionate to their number, quantity, and the expense of running and securing the same as aforesaid, and may sell at public auction, on not less than ten days' notice, either personally served upon such owner, or posted in three or more conspicuous places in the township where such logs are held; and in either case, by posting a like notice also in the office of such company, of the mark, description, and supposed owner of such logs, timber, or lumber, and the amount of the charges for which the same is to be sold, a sufficient quantity of such logs, timber, or lumber, to satisfy said claim, charge, or demand, with the expense of such sale.

(2773.) SEC. 7. Each member of said company shall be individually liable to pay and satisfy all debts and obligations of said company, and said company shall have a lien on all logs, timber, or lumber, run, driven, boomed, rafted, cleared from the banks, or secured by said company, whether of its members or other person or persons whose logs, timber, or lumber have been run, driven, boomed, rafted, cleared from the banks, or secured by virtue of any contract to that purpose by and between said person or persons and said company, and may sell the same on not less than thirty days' notice, made and published in like manner, and to the like effect, as provided for in the preceding section, unless otherwise provided by contract.

Individual liability of members.

Lien of company on logs, etc., for demands due them.

(2774.) SEC. 8. The said company shall keep posted in some conspicuous place in the office thereof, a list of the names of all the members thereof, and of all the persons whose logs, timber, or lumber they have contracted to run, drive, boom, raft, clear from the banks, or secure, with a description of each mark or marks intended to be used upon such logs, timber, or lumber, so far as the same may be known. And if any other person or persons, owning or interested in the running and securing of any logs, timber, or lumber on such streams or waters, shall furnish to the secretary of such companies a like list of the name, residence, and mark or marks of such person or persons, the secretary shall post the same in like manner as herein provided; and every such person shall be entitled to thirty days' notice in all cases provided for in section six of this act, to be given in the same manner as otherwise provided. And every such company, and every person owning or interested in the running and securing as aforesaid, any logs, timber, or lumber on such stream or waters, shall cause to be filed in

List of members and marks to be posted in office, etc.

And filed with county clerk.

the office of the clerk of the county in which the mouth of such stream or waters may be, the name, residence, and every mark used or intended to be used by such company or person.

This act shall take effect immediately.

CHAPTER LXXXVIII.

THE RUNNING, BOOMING, AND RAFTING OF LOGS.

An Act to authorize the formation of corporations for the running, booming, and rafting of logs.

[Approved February 4, 1864. Laws of 1864, p. 25.]

Formation of
corporations
authorized.

(2775.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, who shall, by articles of agreement in writing, associate, according to the provisions of this act, under any name assumed by them, for the purpose of engaging in and carrying on the business of running, driving, booming, and rafting logs, timber, lumber, and other floatables on any of the streams or waters within this State, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic or corporate, in fact and name, under any name assumed by them in their articles of association; and by such name shall be capable of suing and being sued in any court in this State; and may have a common seal, and alter and amend the same at pleasure; may elect, in such manner as they shall determine, all necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the stockholders shall direct: *Provided,* That no two companies shall assume the same name.

Body politic.

Proviso.

Articles of
association,
where filed.

(2776.) SEC. 2. Before any corporation formed under this act shall commence business, the president and directors shall cause a

copy of their articles of association to be filed in the office of the county clerk of the county or counties in which such association shall have and use their boom or booms; and a copy of any articles of association, filed in pursuance of this act, certified by the county clerk of the proper county to be a true copy thereof, and of the whole of such articles of association, shall be in all courts and places presumptive evidence of the incorporation of such company, and of the facts therein stated.

Certified copy
evidence of in-
corporation.

(2777.) SEC. 3. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state—

Articles of asso-
ciation, how ex-
ecuted.

First. Distinctly the purpose for which the same is formed;

Contents of.

Second. The amount of their capital stock, and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The place in this State where their office for the transaction of business is located, and the stream or streams upon which their business is to be carried on;

Sixth. The term of its existence, not to exceed thirty years.

(2778.) SEC. 4. Every such corporation shall, annually, in the month of January, make a report, signed by a majority of the board of directors, containing—

Annual report

First. The amount of capital stock actually paid in;

Second. The amount invested in real and personal estate;

Third. The amount of their debts and credits, as near as may be;

Fourth. The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified by the oath of the officers signing the same, and shall be filed with the secretary of the association, and also in the office of the county clerk of the county in which the office of said association shall be located, and open at all reasonable times for the examination of any and every stockholder.

(2779.) SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and in no case shall be less than ten thousand dollars, nor more than two hundred thousand dollars, and shall be divided in shares of one hundred dollars each. The capital stock and the number of shares may be increased at any meet-

Capital stock;
amount of, how
fixed.

Value of shares.

by affidavit of the person serving the same, shall be made and filed with the secretary of the association.¹

The board of directors may appoint a watchman.

(2759.) SEC. 15. The board of directors are also authorized, in case they deem it expedient for the safety and well-being of the property under their control, to employ a competent watchman to watch during the night, to see that the canal or its appurtenances receive no injury from breaks in embankments or other causes; and they may prescribe his duties and fix his compensation, and raise means to pay the same in the manner hereinbefore provided.¹

Duty and compensation of same.

Contracts; how and by whom made.

(2760.) SEC. 16. The said board of directors shall have power to make all necessary contracts in the name of the corporation to carry out the duties imposed upon them by this act, which contract shall be signed by the president of the board, if in writing, in the corporate name thereof.¹

Treasurer shall receive and pay out all moneys.

(2761.) SEC. 17. The treasurer of said board shall receive all moneys paid to him on assessment, and hold the same, to be paid out on the order of the said board, certified to the president thereof.¹

Sums due may be recovered in an action of assumpsit.

(2762.) SEC. 18. All sums due from any person upon any assessment authorized by this act may be recovered with interest in an action of assumpsit brought in the name of the corporation in any court of competent jurisdiction, or as provided in section twelve of this act.¹

Disposition of funds on hand at time of annual meeting.

(2763.) SEC. 19. At the annual meeting of the members of said association held for the election of officers, pursuant to the by-laws thereof, the members representing the majority of interest in such water-power may, by vote, make disposition of all the funds shown by the report of the treasurer of the board of directors, to be made to said meeting, to be in his hands, and such funds shall be paid out as so voted by said treasurer upon the certificate of the president of said board.¹

Powers through the by-laws.

(2764.) SEC. 20. Said association shall have power by its by-laws to regulate the use of the water transmitted through the canal under its control by the several owners thereof; to determine the absolute or average head of said water, for the measurement of the quantity to be used by the several owners thereof in proportion to their interest in the water-power furnished by said canal; and to provide for the construction and maintenance in good order of all flumes, gateways, and other structures built to draw water from said canal, and for the tightening, contracting, or enlarging of the same according to the various stages of water in said canal; and in

¹ Vide note to section 4 of this act.

said by-laws to provide for the manner in which the aforesaid regulations shall be made, published, and enforced; and to provide for regular meetings of the association, and the time and place of holding the same.¹

(2765.) SEC. 21. The stockholders of all corporations or associations formed under the provisions of this act shall be individually liable for all labor performed for such corporation or association.

Stockholders individually liable for labor performed.

(2766.) SEC. 22. All owners of water-power afforded by any canal or its appurtenances, which is under the control of any association formed under this act, who are tenants in common of the water, water-power, or easements, or canal and appurtenances, with the members of said association formed under this act, or the act to which this act is amendatory, shall be deemed to have consented to the making of such repairs and improvements as are proper or necessary for the protection and preservation of such canal and its appurtenances, and such as render the same generally available to the owners thereof, and it shall not be necessary in any such case, in any proceedings under this act, to allege or show a previous request made to them to join in making such repairs and improvements, but they shall be respectively liable to pay their just proportion at the time and in the manner in this act provided.²

Tenants in common of water, etc., liable for just share of cost of repairs, etc., without having been previously requested to join in same.

¹ Vide note to section 4 of this act.

² As added by Act 90 of the Laws of 1871, p. 122, approved and took effect April 12, 1871.

CHAPTER LXXXVII.

RAFTING COMPANIES.

An Act to provide for the formation of companies for running, driving, booming, and rafting logs, timber, and lumber, and for regulating the floatage thereof.

[Approved February 9, 1855. Laws of 1855, p. 55.]

Corporation,
how formed.
6 Mich. 266.
11 Mich. 139.

(2767.) SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may be formed into a corporation for the purpose of running, driving, booming, and rafting logs, timber, and lumber on any of the streams or waters within this State, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county, or in some one of the counties in which said stream or waters may be, and if there be no newspaper printed in such county or counties, then such notice shall be printed in some newspaper of some adjoining county, having circulation in said county or counties, of the time and place where all persons desirous of forming such company may meet and subscribe articles of association and elect directors of such company; in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the number and names of the directors, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the stream or waters upon which the business of said company is intended to be done, and the place within this State where the business office of said company shall be kept.

Articles of association.

Articles to be
subscribed, and
filed with Secre-
tary of State.

(2768.) SEC. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The said

articles of association may be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time associate with them, shall be a body corporate, by the name specified in such articles, and as such shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring, by gift, grant, lease, or otherwise, and holding any lands, tenements, or hereditaments, necessary to be used in the prosecution of said business, or for the erection of offices, houses, or other buildings, necessary and proper for carrying on the business of said corporation. A copy of any articles of association, filed in pursuance of this section, with a copy of an affidavit made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, indorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be, in all courts and places, presumptive evidence of the incorporation of such company and the facts therein stated.

Certified copy
to be evidence.

(2769.) SEC. 3. The business and property of such company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually, at such time and place, and such notice of the election, as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their office until their successors are elected. The said board may elect from their number a president, and appoint a treasurer, who shall give such bonds as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board, the remaining directors may elect any member of said company to fill said vacancy as director for the remainder of the term and until their successors are elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter upon giving like notice. The said board of directors shall have full power and authority to appoint all agents and attorneys needful and proper, in the prosecution of the business or affairs of the company; to assess and collect all rates, dues, and sums of money of the members of said company, by demand, suit, or otherwise, in any place, court, or jurisdiction, according to law, and the

Officers and
agents, how
elected and ap-
pointed.
11 Mich. 189.

Powers of di-
rectors.

provisions of the articles of association, rules, and by-laws of said association, or the directors thereof.

General powers
of corporation,
and restrictions
thereon.
11 Mich. 189.

(2770.) SEC. 4. Such corporations shall have authority to make and construct all proper and necessary rollways, booms, piers, and other constructions along said stream or waters, for the running, driving, booming, rafting, or securing said logs, timber, or lumber:

Proviso.

Provided, That in all cases the consent of the riparian owner or occupants of any lands whereon such rollways, booms, piers, or other constructions are intended to be made, shall first have been obtained: *And provided also*, That no such rollway, boom, pier, or other construction shall interrupt or hinder the free use, navigation, or floatage upon such stream or waters, by the public or any person interested in the same, to be so constructed as to infringe upon the rights of individuals.

Further proviso.

Person owning
logs, etc., may
become mem-
ber.

(2771.) SEC. 5. Any person owning logs, timber, or lumber, intended to be run or driven upon said stream or waters, or interested in running, driving, booming, or rafting the same, may become a member of this corporation, upon application, by signing the articles of said company, and paying his just proportion of the

Or may run his
own logs, etc.

expense of managing and conducting its affairs: *Provided*, Nothing in this act contained shall be so construed as in any manner to prevent or hinder any person or persons from running, driving, booming, or rafting their own logs, timber or lumber, at such time and in such manner as their interest may require: *Provided also*,

But not obstruct
navigation.

That all persons owning, running, driving, rafting or booming any logs, timber, or lumber, in or upon such stream or waters, shall not leave them in such a situation as to obstruct the floatage or navigation, or clearing the banks of such stream or waters, [or] in any manner thereby deprive individuals or the public of their natural privileges.

Proceedings
when floatage,
navigation, etc.,
obstructed,
11 Mich. 189.

(2772.) SEC. 6. If any person or persons shall put, or cause to be put, into said stream or waters, any logs, timber, or lumber, and shall not make adequate provisions and put on sufficient force for breaking rollways and jams of such logs, timber, or lumber, in or upon such stream or waters, or for running, driving, booming, rafting, securing, or clearing the banks of the same, and thereby obstruct the floatage or navigation or clearing the banks of such stream or waters, it shall be lawful for such company to cause such rollways or jams to be broken, and such logs, timber, or lumber to be run, driven, boomed, rafted, secured, or cleared from the banks of such stream or waters, at the charge and expense of the person or persons owning said logs, timber, or lumber; and said company

shall have a lien upon such quantity of said logs, timber, or lumber as shall be sufficient to pay and satisfy all just and reasonable charges against the same, proportionate to their number, quantity, and the expense of running and securing the same as aforesaid, and may sell at public auction, on not less than ten days' notice, either personally served upon such owner, or posted in three or more conspicuous places in the township where such logs are held ; and in either case, by posting a like notice also in the office of such company, of the mark, description, and supposed owner of such logs, timber, or lumber, and the amount of the charges for which the same is to be sold, a sufficient quantity of such logs, timber, or lumber, to satisfy said claim, charge, or demand, with the expense of such sale.

(2773.) SEC. 7. Each member of said company shall be individually liable to pay and satisfy all debts and obligations of said company, and said company shall have a lien on all logs, timber, or lumber, run, driven, boomed, rafted, cleared from the banks, or secured by said company, whether of its members or other person or persons whose logs, timber, or lumber have been run, driven, boomed, rafted, cleared from the banks, or secured by virtue of any contract to that purpose by and between said person or persons and said company, and may sell the same on not less than thirty days' notice, made and published in like manner, and to the like effect, as provided for in the preceding section, unless otherwise provided by contract.

Individual liability of members.

Lien of company on logs, etc., for demands due them.

(2774.) SEC. 8. The said company shall keep posted in some conspicuous place in the office thereof, a list of the names of all the members thereof, and of all the persons whose logs, timber, or lumber they have contracted to run, drive, boom, raft, clear from the banks, or secure, with a description of each mark or marks intended to be used upon such logs, timber, or lumber, so far as the same may be known. And if any other person or persons, owning or interested in the running and securing of any logs, timber, or lumber on such streams or waters, shall furnish to the secretary of such companies a like list of the name, residence, and mark or marks of such person or persons, the secretary shall post the same in like manner as herein provided ; and every such person shall be entitled to thirty days' notice in all cases provided for in section six of this act, to be given in the same manner as otherwise provided. And every such company, and every person owning or interested in the running and securing as aforesaid, any logs, timber, or lumber on such stream or waters, shall cause to be filed in

List of members and marks to be posted in office, etc.

And filed with county clerk.

the office of the clerk of the county in which the mouth of such stream or waters may be, the name, residence, and every mark used or intended to be used by such company or person.

This act shall take effect immediately.

CHAPTER LXXXVIII.

THE RUNNING, BOOMING, AND RAFTING OF LOGS.

An Act to authorize the formation of corporations for the running, booming, and rafting of logs.

[Approved February 4, 1864. Laws of 1864, p. 23.]

Formation of
corporations
authorized.

(2775.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, who shall, by articles of agreement in writing, associate, according to the provisions of this act, under any name assumed by them, for the purpose of engaging in and carrying on the business of running, driving, booming, and rafting logs, timber, lumber, and other floatables on any of the streams or waters within this State, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic or corporate, in fact and name, under any name assumed by them in their articles of association; and by such name shall be capable of suing and being sued in any court in this State; and may have a common seal, and alter and amend the same at pleasure; may elect, in such manner as they shall determine, all necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the stockholders shall direct: *Provided,* That no two companies shall assume the same name.

Body politic.

Proviso.

Articles of
association,
where filed.

(2776.) SEC. 2. Before any corporation formed under this act shall commence business, the president and directors shall cause a

copy of their articles of association to be filed in the office of the county clerk of the county or counties in which such association shall have and use their boom or booms; and a copy of any articles of association, filed in pursuance of this act, certified by the county clerk of the proper county to be a true copy thereof, and of the whole of such articles of association, shall be in all courts and places presumptive evidence of the incorporation of such company, and of the facts therein stated.

Certified copy
evidence of in-
corporation.

(2777.) SEC. 3. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state—

Articles of asso-
ciation, how ex-
ecuted.

First. Distinctly the purpose for which the same is formed;

Contents of.

Second. The amount of their capital stock, and the number of shares;

Third. The amount of capital stock actually paid in ;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person ;

Fifth. The place in this State where their office for the transaction of business is located, and the stream or streams upon which their business is to be carried on ;

Sixth. The term of its existence, not to exceed thirty years.

(2778.) SEC. 4. Every such corporation shall, annually, in the month of January, make a report, signed by a majority of the board of directors, containing—

Annual report

First. The amount of capital stock actually paid in ;

Second. The amount invested in real and personal estate ;

Third. The amount of their debts and credits, as near as may be ;

Fourth. The name of each stockholder, and the number of shares held by him at the date of such report ; and every such report shall be verified by the oath of the officers signing the same, and shall be filed with the secretary of the association, and also in the office of the county clerk of the county in which the office of said association shall be located, and open at all reasonable times for the examination of any and every stockholder.

(2779.) SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and in no case shall be less than ten thousand dollars, nor more than two hundred thousand dollars, and shall be divided in shares of one hundred dollars each. The capital stock and the number of shares may be increased at any meet-

Capital stock ;
amount of, how
fixed.

Value of shares.

Proviso.	ing of the stockholders called for that purpose: <i>Provided</i> , The amount so increased shall not, with existing capital, exceed two hundred thousand dollars. ¹
Objects of corporation to be definitely stated	(2780.) SEC. 6. The purpose for which such corporation shall be established shall be distinctly and definitely stated and specified in the articles of association, and it shall not be lawful for said corporation to appropriate its funds to any other purpose.
First meeting of corporation.	(2781.) SEC. 7. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper published in the county where the office of such corporation is located, at least fifteen days before the time appointed for such meeting, or by personal service of like notice upon each of the stockholders, ten days before the time fixed for said meeting.
Directors.	(2782.) SEC. 8. The stock, property, and affairs of such corporation shall be managed by not less than three nor more than seven directors, to be elected by the stockholders, as the articles of association shall determine, two of whom shall be residents of the county in which the office of such corporation is located. They shall hold their offices for the term of one year and until their successors shall be duly chosen and accept their office.
Term of office.	
Officers of corporation.	(2783.) SEC. 9. The directors of every such corporation shall choose from their number a president, secretary, and treasurer, and may appoint such other officers and agents as their articles of association and by-laws may require, who shall hold their offices until the directors shall appoint others in their place. The directors, for the time being, shall have power to fill any vacancy which may happen in their board by any cause.
Directors to call in subscriptions.	(2784.) SEC. 10. The directors may call in subscriptions to the capital stock of such corporation by installments, in such portion and sums and at such times and places as they shall think proper, by giving notice thereof, as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of thirty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county in which their office is located, of the time
Stock of delinquent subscribers to be sold.	

¹ As amended by Act 23 of the Laws of 1871, p. 25, approved and took effect February 27, 1871.

and place of such sale; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses of such sale, and the residue, if any, shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought: *Provided*, That in case the proceeds of such sale shall not equal the amount due upon such stock and the expenses of such sale, then and in that case the corporation may sue for and recover such balance from such delinquent stockholder, in an action of assumpsit, in any court having cognizance of the action.

Proceeds, how applied.

Proviso.

(2785.) SEC. 11. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at each meeting of the stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person or by proxy.

Quorum.

(2786.) SEC. 12. If, from any cause, it shall happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days' notice of the time and place of such election.

Election of directors other than annual.

(2787.) SEC. 13. The books of such corporation, containing the accounts thereof, shall, at all reasonable times, be open for the inspection of any of the stockholders.

Books of corporation to be open.

(2788.) SEC. 14. Every such corporation shall, by their corporate name, have power to acquire, use, and hold all such real and personal estate, by lease or purchase, as shall be necessary for the purpose of carrying on the business of such corporation, with the full right of selling and disposing thereof, when not further needed for the use of such corporation: *Provided*, That their real estate shall not exceed five thousand acres. They shall have power and the right, in any of the navigable waters of this State named in their articles of association, to construct, use, and maintain all necessary booms for carrying on the business of such corporation: *Provided always*, That they shall first have obtained from the owner or owners of the shores along which, or in front of which, they desire to construct such boom or booms, either by lease or purchase, their permission to erect and maintain such boom or booms in front of his or their lands: *And provided further*, That such boom or booms shall be so constructed as to allow the free passage of boats, vessels, craft, logs, timber, lumber, or other float-

Corporation may hold real estate.

Proviso.

May construct booms.

Proviso.

Booms not to obstruct navigation.

Powers of corporation.	ables along such waters. They shall have power to make all necessary contracts for the driving, booming, rafting, and running logs, lumber, timber, and other floatables. They shall have power to carry on the business of driving, booming, rafting, and running logs, timber, lumber, or other floatables, or either of them, as they may from time to time determine; and for the use of said boom or booms, in the care and custody of logs, timber, lumber, or other floatables, in all cases where no rate is fixed by contract, to charge and collect a uniform and reasonable sum for boomage; and for such boomage, and for driving, rafting, or running of logs, timber, lumber, and other floatables, such corporation shall have a lien upon the logs, timber, or other floatables, driven, boomed, rafted, or run; and such corporation shall be entitled to retain the possession of such logs, timber, lumber, or other floatables, or so much thereof as may be necessary to satisfy the amount of such boomage and reasonable charges for driving, rafting, or running of logs, timber, lumber, or other floatables, and all expenses for taking care of the same, until the same shall be determined, satisfied, and paid, in the manner hereinafter prescribed: <i>Provided</i> , Corporations formed under the provisions of this act may charge for booming of logs within the counties of Muskegon and Newaygo a rate not to exceed ten cents per thousand feet, exclusive of reasonable charges for other labor bestowed on the same. ¹
Compensation for boomage.	
To have lien on logs, etc.	
Proviso.	
Stock deemed personal property.	(2789.) SEC. 15. The stock of such corporation shall be deemed personal property and shall be transferred only on the books of the company in such manner as the by-laws of such corporation shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members, invested therein, for all debts due from them to such corporation, which may be enforced by advertisement and sale in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights of stockholders.
Corporation to have lien upon stock.	
Process, how served.	(2790.) SEC. 16. Service of any legal process against any corporation formed under this act may be made on the president or secretary thereof, and if they cannot be found in the county in which suit may be commenced, then such service may be made upon any one of the directors.
Corporation may bring action to satisfy amount of lien.	(2791.) SEC. 17. Any such corporation claiming any lien, as provided in the fourteenth section of this act, may bring an action of assumpsit against the owner of such property, to determine

¹ As amended by Act 93 of the Laws of 1865, p. 150, approved and took effect March 2, 1865.

and satisfy the amount of such lien. The proceedings in such action shall be in accordance with the practice of the courts in which such action is commenced, in actions of assumpsit, and the property so held may be levied upon and sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit, including the costs and expenses of providing for the care and safety of such property.

Proceedings
thereon.

(2792.) SEC. 18. If the owner of such logs, timber, lumber, or other floatables cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the petition of said corporation claiming such lien, in the proper court, which shall contain a statement of the nature and amount of the claim and a description of the property seized, and that the owner of such property is unknown, or is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim, which petition shall be verified by the oath of the president of such corporation filing the same, or its agent or attorney. The plaintiff shall thereupon, and before any trial shall be had or judgment rendered in such proceeding, cause a notice to be published for four successive weeks, at least once in each week, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this State as such court shall direct, which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and the description of the property upon which the lien is sought to be enforced. The owner of such property shall have the right to appear and defend in such proceeding at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed, as in actions of assumpsit, and all subsequent proceedings in such case shall be in accordance with the practice of such court in actions of assumpsit. If the owner shall fail to appear in such proceeding, the court may proceed, *ex parte*, to hear, try, and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order that the property covered by such lien, or so much thereof as may be necessary, be sold to satisfy the amount of such judgment, with cost.

Proceedings
when the owner
is without the
jurisdiction of
the court.

Publication of
notice.

Contents thereof

Owner may ap-
pear and defend.

Proceedings
when the owner
fails to appear.

Sale of property
upon judgment.

Powers of corporations to remove jams and other obstructions.

(2793.) SEC. 19. If any person or persons shall put or cause to be put into any navigable river, creek, or stream in this State, or shall have in any such river, creek, or stream, any logs, lumber, or timber, for any purpose, and shall not make adequate provision and put on sufficient force for driving or running the same, or for breaking jams of such logs, timber, or lumber, in or upon such river, creek, or stream, at the head of or along the side of such boom, or shall, for want of adequate provision, or want of sufficient force, allow such logs, timber, or lumber to jam or accumulate at the head of such boom or booms, or along the side thereof, thereby obstructing the navigation of such river, creek, or stream, it shall be lawful for such corporation, at the head of or along the side of whose boom or booms such jam or accumulation of logs, timber, or lumber shall form, to cause such jams to be broken, and such logs, timber, or lumber to be driven, boomed, rafted, or run, at the expense of the person or persons owning such logs, timber, or lumber; and such owner shall be liable to such corporation for the breaking of such jams and the driving, booming, rafting of said logs, timber, and lumber; and the cost and expense thereof; and such corporation shall have a lien on such logs, timber, or lumber, for breaking such jams, and for driving, booming, rafting, or running such logs, timber and lumber, and the cost and expense thereof, and shall be entitled to take and retain possession of such logs, timber, or lumber, or so much thereof as may be necessary to satisfy the amount of such charges for breaking such jams, and for driving, booming, rafting, and running of said logs, timber, or lumber, and expenses and costs thereon, until the same shall be satisfied and paid; and such corporation shall proceed to collect such charges, costs, and expenses, in the same manner, in all respects, as provided in sections seventeen and eighteen of this act.

Owner of logs, etc., liable to corporation for removal.

Corporation to have lien on logs, etc., so removed.

Damages, how collected.

Corporate taxes.

(2794.) SEC. 20. The real and personal estate of such corporation shall be assessed and taxed, and may be sold, if delinquent for such tax, in the same manner, in all respects, as other real and personal estate is assessed, taxed, and sold in this State.

SEC. 21. This act shall take immediate effect.

CHAPTER LXXXIX.

MECHANICS' ASSOCIATIONS.

An Act to provide for the incorporation of mechanics' associations.

[Approved February 17, 1857. Laws of 1857, p. 468.]

(2795.) SECTION 1. *The People of the State of Michigan enact,* Association may be incorporated.
That associations may be formed and incorporated for the purposes of promoting the mechanic arts in this State, for the relief of distressed mechanics, whether members of any such association or otherwise, and for such other charitable purposes as may be deemed proper by such association, connected with the mechanical and architectural arts.

(2796.) SEC. 2. That any six or more persons, residents of this State, desirous to become incorporated for the above named objects, may execute under their hands, and acknowledge before some officer of this State having authority to take the acknowledgment of deeds, articles of agreement as hereinafter specified, one copy whereof, verified by the affidavit of two or more of the trustees, shall be filed and recorded in the office of the Secretary of State, and another, verified in the same manner, in the office of the county clerk of the county in which their place of business shall be; and upon the execution of such articles of agreement, the acknowledgment thereof, and the filing of such copies as aforesaid, the parties signing the same, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes aforesaid. Articles of agreement to be entered into. To be recorded and filed.

What articles to contain.

(2797.) SEC. 3. Such articles of association shall contain—

First. The names of the persons associating in the first instance, and their places of residence;

Second. The name of such corporation, and the place where its office for the transaction of business is established, and the period for which it is incorporated, not exceeding thirty years;

Third. The purposes for which it is incorporated, mentioned in the first section of this act;

Fourth. The number of trustees and regular officers, and the time of holding its annual meetings;

Fifth. The terms and conditions of membership therein.

Rights, powers, and privileges of corporation.

(2798.) SEC. 4. Every association formed under this act shall have all the rights, powers, and privileges granted by, and shall be subject to all the provisions of, chapter number fifty-five in title number ten of the Revised Statutes, so far as the same are not repugnant to the Constitution or to this act.

Chapter 73.

How affairs of association managed.

(2799.) SEC. 5. The affairs of such association shall be managed by not less than five nor more than nine trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors shall be chosen. A treasurer shall be appointed from the number of trustees, and the other regular officers shall be members of the association. A majority of the trustees shall be a quorum to transact business, and they may adopt such by-laws, not repugnant to this act or to such articles of association, as they may see fit, and change the same at pleasure.

Not to hold real estate except for certain purposes

(2800.) SEC. 6. No such association shall have power to take or hold any real estate, except such as may be actually occupied in the exercise of its franchises, and except such as it may acquire in security for, or satisfaction of, debts justly due it.

How funds to be used.

(2801.) SEC. 7. All funds received by such association shall be used in the first instance, or shall be invested and the income thereof used, after paying necessary expenses, exclusively for the purposes, or some of them, mentioned in the articles of association. Such association may take by gift, subscription, purchase, or devise, money to an amount not exceeding fifty thousand dollars; and it shall be lawful to invest the same upon mortgage or by loan in railroad stocks or bonds, or any city, county, State, or Government securities; but no loan shall be made to any trustee or officer of such association: *Provided*, That any such association may, in its articles of agreement, designate the kinds of securities in which its funds may be invested, in which case no part of its funds shall be invested in any securities other than named in its articles.

Restriction upon amount of property.

Proviso.

(2802.) SEC. 8. Any such association, whenever required by the Attorney General or the Legislature, shall report to him or them under the oath of at least two of its trustees, a full and true statement of its conditions and affairs; and for any willful neglect to make such report within a reasonable time after the same is so required, the association shall be liable to pay to the people of this State a fine of fifty dollars; or, if the Attorney General shall so elect, or be instructed by the Governor, he may proceed against such association, by information, to forfeit its charter for such neglect.

Report to be made when required by Attorney General or Legislature.

Penalty for neglect.

(2803.) SEC. 9. Any association or society now incorporated for any of the above purposes, or hereafter to become incorporated under this act, may become consolidated with any one created by virtue of this act into a single corporation, which may be done by the vote or resolution of a majority of the members of each, at a meeting called for that purpose, a copy of which vote or resolution, signed by the presiding officer and secretary of such meeting, and verified by their affidavit, shall be filed in the office of the Secretary of State, and another, signed and verified in like manner, shall be filed in the office of the county clerk of the county where their place of business is. And upon such filing and an agreement entered into, and copies thereof filed as hereinafter provided, said corporation shall thereby become one associations under this act, to be called and known by such name as shall be given it in said agreement, but subject to the provisions of this act, and entitled to the same franchises and privileges as if it had been formed without such consolidation.

How association may consolidate with any now incorporated.

(2804.) SEC. 10. Such agreement shall contain—

What agreement for consolidation to contain.

First. The terms and conditions of such consolidation, and the disposition of the corporate property of each;

Second. The name of the association thereby formed, the place where its office for the transaction of business is established, and the period for which it is incorporated, not exceeding thirty years;

Third. The purposes set forth in the first section of this act;

Fourth. The number of trustees and regular officers, and the time of holding its annual meetings;

Fifth. The terms and conditions of membership therein; which agreement shall be executed and acknowledged, and copies thereof signed, verified, filed, and recorded, as provided in the first section of this act: *Provided however,* That for the purposes of paying and enforcing the payment of its debts and liabilities, and the protection of all the rights of creditors and claimants, the members

and the property of each such association shall be subject to the same remedies as if such consolidation had not taken place.

Libraries may be maintained by association.

(2805.) SEC. 11. All societies or associations, organized as aforesaid, shall have the right to keep and maintain libraries, and make all needful by-laws for the good government and regulation of the same.

SEC. 12. This act shall take immediate effect.

CHAPTER XC.

CO-OPERATIVE ASSOCIATIONS.

An Act to authorize the formation of co-operative associations by mechanics, laboring men, or others.¹

[Approved March 20, 1865. Laws of 1865, p. 681.]

Permission to incorporate.

(2806.) SECTION 1. That any five or more persons who shall be desirous of uniting as mechanics, laboring men, or in any other capacity, in any co-operative association, for the purpose of purchasing all manner of groceries, provisions, and any other articles of merchandise and selling the same for cash, or otherwise, to all the stockholders and others, at such reasonable prices over the cost thereof as will enable the members of such association to obtain such commodities at the smallest practicable rate of cost, and also, if necessary, to manufacture any such articles of trade or merchandise, such as flour, meal, boots, shoes, clothing, and to vend the same as aforesaid, or for the purpose of cultivating or raising vegetables, fruits, or other produce, or animals, for food for said members, or to vend the same as aforesaid, may become incorpo-

¹ As amended by Act 25 of the Laws of 1867, p. 38, approved February 21, 1867.

rated for that purpose, by executing one or more duplicate articles of agreement as hereinafter specified, by signing and acknowledging the same before some officer authorized to take such acknowledgments; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may hereafter become associated with them, shall become a body politic for the purpose set forth in said articles.¹ Conditions.

(2807.) SEC. 2. Before any corporation formed under this act shall commence business, the president and directors shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county in which such corporation shall conduct its business, which said articles shall be recorded in said offices at length, in books prepared for that purpose, at the expense of said corporation. Articles of association.

(2808.) SEC. 3. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state distinctly— How executed.

First. The purpose for which the same is formed, the number of their officers and directors, with the name of those first agreed on; Contents.

Second. The amount of their capital stock and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The name of such corporation, and the place in this State where their office for the transaction of business is located and is to be carried on, and the time and place of holding their annual meeting;

Sixth. The terms and conditions by which any person may become a member or shareholder therein, and such other matters and things as is provided for in section five of this act;

Seventh. The term of its existence, not to exceed thirty years.

(2809.) SEC. 4. The amount of capital stock in every such association may be fixed and limited by the stockholders in their articles of association, and may be divided into shares of not less than ten dollars each, and not exceeding twenty-five dollars, and the capital stock shall in no case be less than five thousand dollars nor more than five hundred thousand dollars; and such capital stock may be increased from said five thousand dollars, and the number of shares also increased, at any meeting of the stockholders Capital stock. Increase of.

¹ As amended by Act 25 of the Laws of 1867, p. 33, approved February 21, 1867.

Proviso. called for that purpose: *Provided*, That the amount so increased, with the existing capital, shall not exceed five hundred thousand dollars: *Provided further*, That all property of such association shall be subject to taxation for all State, county, and municipal purposes.

Regulations as to shares.

(2810.) SEC. 5. Said association may, either in their articles of association or by by-laws for that purpose to be adopted, regulate the number of shares which any one subscriber may take and hold, the mode of paying for the same, the mode of voting thereon, the mode of levying any and all assessments thereon, the manner of enforcing such assessments, the attachment and enforcement of penalties for non-payment of assessments, and the manner of collecting the same; the mode of awarding, declaring, and paying dividends; of appointing, electing, and removing officers and directors; the requirement of bonds from any such officers, and also the appointment of all necessary and subordinate employes, and may also provide generally for the doings and execution of all acts and transactions incident to the business of such corporations, including the establishment of one or more branches or agencies in the county wherein is located their main or chief store or shop, and which are not inconsistent with existing provisions of law.

Individual liability.

(2811.) SEC. 6. Stockholders and directors shall be severally and jointly liable for all debts for labor performed for the said corporation; and for all goods, wares, and merchandise sold and delivered to the same, the said stockholders and directors shall be liable to the amount of their capital stock; but no execution shall issue against any director or stockholder till an execution against the corporation shall have been returned unsatisfied in whole or in part.

Service of process on corporation.

(2812.) SEC. 7. Service of legal process on any such corporation may be made on any one of the directors thereof, if such director be in the county in which the business establishment of the association is located; but if not there, by leaving a copy of such process with any officer, agent, or clerk in the employ thereof, at the principal place of business.

Associations now in existence entitled to benefits of this act.

(2813.) SEC. 8. Any co-operative association now in existence in this State, and not incorporated, shall be entitled to all the benefits of this act by complying with the provisions thereof, and may, by a vote of a majority of such incorporated association or company, to be taken according to its existing by-laws, determine to avail itself of the provisions of this act, and to take and assume corporate name and powers thereunder, and may by a like vote transfer to

such corporation so formed under this act, all its property, both real, personal, and mixed; and thereupon such corporation to which said property is so transferred, shall take the same in the same manner and to the same extent and with the like effect as the same was previously owned and held by the association so transferring the same, and may, in its corporate name, sue for and collect all dues and demands, subscriptions, and other benefits belong[ing] to such original and unincorporated association: *Provided however, That* the said corporation so taking such property as aforesaid, shall take the same subject to all liens and trusts, both legal and equitable, to which the same was subject before said transfer, and shall also be liable for all debts and obligations of such previous association, and shall pay the same to the full extent of the value of such property at the time of so taking the same.

May transfer property to new corporation.

Proviso.

(2814.) SEC. 9. Such associations shall have power to take or hold any such real estate as may be actually occupied by them in the exercise of their franchises, and not otherwise, except such as it may acquire in security for or satisfaction of debts justly due it.

May hold real estate.

(2815.) SEC. 10. Nothing in this act shall be construed as granting banking powers, or as allowing the business of money brokerage, or any other powers not appropriately belonging to institutions of this character.

Restriction.

SEC. 11. This act shall take immediate effect.

CHAPTER XCI.

TRADES' UNIONS.

An Act to authorize the incorporation of trades' unions as mechanics' associations, under the provisions of chapter sixty-two of the Compiled Laws.

[Approved April 5, 1869. Laws of 1869, p. 323.]

Trades' union associations may incorporate as mechanics' associations.

(2816.) SECTION 1. *The People of the State of Michigan enact,* That any association of trades' unions in this State, actually existing and conducting its operations under a constitution or articles of association, may become a body corporate and politic, for the general purposes contemplated by chapter sixty-two of the Compiled Laws of this State, being "An act to provide for the incorporation of mechanics' associations," approved February seventeen, eighteen hundred and fifty-seven, upon filing a copy of their constitution or articles of association, verified by the oath of one or more of the executive officers of such association, in the office of the Secretary of State, and a like verified copy in the office of the county clerk of the county where such association is situated. All such associations becoming corporations as above provided, shall be subject to the provisions of the said act of eighteen hundred and fifty-seven, except as otherwise in this act provided.

Subject to act of 1857.

Articles of association may stand in lieu of an agreement.

Election of trustees provided for.

(2817.) SEC. 2. The constitution or articles of association under which any such association may be organized, may stand in lieu of the articles of agreement required to be executed by section two of said act of eighteen hundred and fifty-seven; and such constitution or articles of association may provide for the election of the trustees and other officers of such association annually or semi-

annually, as the case may be: *Provided*, That nothing herein contained shall be so construed as to legalize any provision that may be contained in any such constitution or articles of association which is repugnant to the laws of this State, or to public justice.

(2818.) SEC. 3. All moneys, property, or rights in action equitably belonging to any association at the time the same may or shall become incorporated under the provisions of this act, shall vest in the corporation so formed, and may be recovered by such corporation in [an] action in assumpsit, or on the case, from any person unlawfully withholding the same.

Proviso.

All money, etc., shall vest in corporation so formed.

(2819.) SEC. 4. Any corporation that may be formed under the provisions of this act, may be exempted from the operation of the provisions of section five of the aforesaid act of eighteen hundred and fifty-seven, and may choose its officers and conduct its operations in such manner as may be prescribed by its constitution or articles of association, subject to the restrictions contained in the proviso to section two of this act.

Exempting corporation from provisions of certain law.

SEC. 3. This act shall take immediate effect.

CHAPTER XCII.

BUILDING AND LEASING COMPANIES.

An Act to authorize the formation of corporations for building and leasing houses and other tenements.

[Approved February 12, 1855. Took effect May 16, 1855. Laws of 1855, p. 285.]

(2820.) SECTION 1. *The People of the State of Michigan enact*, That corporations for the purpose of building and leasing houses and other structures, buildings, and tenements, and lands, may be formed under the provisions of an act entitled "An act to authorize the formation of corporations for mining, smelting, and manufacturing iron, copper, mineral coal, silver, or other ores or min-

Under what provisions they may be formed.

Rights and liabilities.	erals, and for other manufacturing purposes," approved February fifth, in the year of our Lord eighteen hundred and fifty-three, and the acts amendatory thereof, and shall have and possess all the rights, and be subject to all the liabilities provided in said act and the acts amendatory thereof, so far as the same are applicable to corporations formed under and by authority of this act. ¹
Power to borrow money.	(2821.) SEC. 2. Every corporation organized pursuant to the provisions and by authority of this act, shall by its corporate name
Issue bonds.	have power to borrow money and issue its bonds therefor and for any debts of the corporation, and to acquire, own, and hold all
Hold estate.	such real and personal estate as may be necessary for the purpose of carrying on the business of such corporation, and the same, or any part thereof, convey, lease, or demise, mortgage, use, and dispose
Proviso.	of, at pleasure: <i>Provided</i> , That the lands which any such corporation may hold at any one time shall not exceed five hundred acres. ²

CHAPTER XCIII.

BUILDING AND SAVINGS ASSOCIATIONS.

An Act to authorize the incorporation of building and savings associations, under the provisions of chapter fifty-six of the Compiled Laws and the acts amendatory thereof.

[Approved April 5, 1869. Laws of 1869, p. 305.]

Formation of corporations.

(2822.) SECTION 1. *The People of the State of Michigan enact*, That corporations for building and savings associations may be formed and incorporated under the provisions of chapter fifty-six of the Compiled Laws, being "An act to authorize the formation of corporations for building and leasing houses and other tenements," approved February twelfth, eighteen hundred and fifty-five, and

¹ As amended by Act 45 of the Laws of 1867, p. 65, approved and took effect March 12, 1867.

² This section added by same act referred to in preceding note.

the acts amendatory thereof, and shall be constituted upon the principal of mutual benefits between the stockholders thereof, for the purpose of securing homes to the stockholders; and the articles of association required by section three of chapter sixty-three of the Compiled Laws need not state the amount of capital stock actually paid in.

(2823.) SEC. 2. The capital stock of such corporation shall be contributed by the stockholders, in initiation fees, and in weekly or monthly sums of money, as shall be provided by the by-laws of said corporations. Capital stock.

(2824.) SEC. 3. The capital stock of said corporations shall not exceed the amount of three hundred thousand dollars. Limit to.

(2825.) SEC. 4. The articles of association shall state, in addition to the requirements of section four of said chapter sixty-three— Articles; contents of.

First. The maximum amount of initiation fees, and of weekly or monthly sums of money, which each stockholder may be required to pay, and the time of payment thereof;

Second. The amount of stock which each stockholder shall be entitled to for the money he pays;

Third. In what manner the capital of the corporation shall be used;

Fourth. The exact benefits to which each stockholder shall be entitled.

(2826.) SEC. 5. In addition to the facts required to be reported by section five of said chapter sixty-three, the said corporation shall report the uses of all moneys they may have received and expended during the year. Report on uses of money, etc.

(2827.) SEC. 6. No moneys belonging to the corporations shall be used for the benefit of any person who is not a stockholder therein. How moneys not to be used.

(2828.) SEC. 7. Parents or guardians may take and hold shares in such association, in behalf of their minor children or wards, and may act in such associations in behalf of those they represent, and no premium given for priority of loan, or acquisition of a building, or discount given on the redemption of shares, shall be deemed usurious. Parents and guardians may take, etc.

CHAPTER XCIV.

CO-OPERATIVE AND MUTUAL BENEFIT ASSOCIATIONS.

An Act to provide for the incorporation of co-operative and mutual benefit associations.

[Approved April 3, 1869. Laws of 1869, p. 172.]

Number of cor-
porators re-
quired. §
Purposes of
corporation.

(2829.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, may become a body corporate and politic, for the purpose of securing to the families or heirs of any member, upon his death, a certain sum of money, to be paid by such corporation, either out of its fund, or by an assessment made upon the members of such corporation, or upon the members of the class in such corporation to which such deceased member belonged, or for the purpose of securing, in the same manner, a certain sum of money, weekly or monthly, to any member disabled from attending to his ordinary duties by sickness or other disability, by executing under their hands, and acknowledging before some person within this State authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State; and a record shall be made of such articles, or of a certified copy thereof, in the clerk's office of the county in this State in which the principal office of such association may be located.

Articles; where
filed, etc.

Powers of cor-
poration.

(2830.) SEC. 2. That upon the execution and filing of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose hereinbefore set forth.

(2831.) SEC. 3. The articles of association shall contain—

Contents of articles.

First. The names of the persons associating in the first instance, and their places of residence ;

Second. The name of such corporation, and the place where its principal office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years ;

Third. The objects of the corporation, the number of classes in such corporation, and the object of the division of such corporation into classes, all of which shall be definitely stated ;

Fourth. The number of its trustees and regular officers, and the time and place of holding its annual meeting ;

Fifth. The terms and conditions of membership therein.

(2832.) SEC. 4. The affairs of such corporation shall be managed by not less than five nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year and until their successors be chosen ; and the regular officers thereof, except the secretary and treasurer, shall form a part of such trustees, and the secretary and treasurer shall be chosen from such trustees. The officers may be chosen by the trustees, or by the members of such corporation, as the articles may prescribe. The by-laws of such corporation shall be adopted by the trustees, who may change them at their pleasure, except so far as they relate to the rights of the corporation to assess their members, or the members of a particular class of such corporation, and except, also, so far as said by-laws affect the rights and benefits belonging to or to be derived by the members of such corporation. A majority of the trustees shall be a quorum to transact business. All of such trustees shall be citizens of the United States and residents of the State of Michigan.

Affairs to be managed by trustees.

Term of office.

Officers shall be trustees.

How chosen.

By-laws ; power of trustees relative to.

Quorum.

Residence.

(2833.) SEC. 5. No such corporation shall have power to take or hold any real estate, except such as may be necessary for the transaction of its business.

May hold real estate.

(2834.) SEC. 6. All the funds received by any such corporation shall be used in the first instance, or shall be invested and the increase thereof used (after paying necessary expenses) for the exclusive purpose set forth in the articles of association : *Provided*, That any such corporation may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested.

Funds, disposition of.

Proviso.

(2835.) SEC. 7. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees ; and for any neglect to furnish any such report

Attorney General or Legislature may require report.

Penalty for neglect. when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered in an action of debt, in the name of the people of the State of Michigan.

SEC. 8. This act shall take immediate effect.

CHAPTER XCV.

MINING AND MANUFACTURING COMPANIES.

An Act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes.¹

[Approved February 5, 1855. Laws of 1855, p. 53.]

Powers of corporations.

(2836.) SECTION 1. *The People of the State of Michigan enact,* All corporations organized and established under the provisions of this act shall be capable of suing and being sued, in any court in this State, and may have a common seal, and alter and amend the same at pleasure; may elect in such a manner as they shall determine, all necessary officers; may fix their compensation and determine their duties, and make, from time to time, such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the stockholders shall direct.

How corporations formed.

(2837.) SEC. 2. Any number of persons, not less than three, who shall, by articles of agreement in writing, associate according to the provisions of this act, under any name assumed by them, for the purpose of engaging in, and carrying on any kind of mining or manufacturing business, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic or corporate, in fact and name, under any name assumed by

¹A less comprehensive act, "To authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, or silver ores," will be found in the Laws of 1851, p. 179; amended the same year, p. 827.

them in their articles of association: *Provided*, No two companies shall assume the same name.

(2838.) SEC. 3. Before any corporation formed under this act shall commence business, the president and directors shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county or counties in which such corporation shall conduct its mining or manufacturing business; which said articles shall be recorded in said office at length, in books prepared for that purpose at the expense of said corporation.

Articles of association to be filed with Secretary of State and county clerk, etc. 19 Mich. 187.

(2839.) SEC. 4. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state—

Articles to be signed and acknowledged.

First. Distinctly and definitely the purpose for which the same is formed;

What to be stated therein.

Second. The amount of their capital stock, and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The place in this State where their office for the transaction of business is located, and the county or counties in which their business is to be carried on;

19 Mich. 187.

Sixth. The term of its existence, not to exceed thirty years.

(2840.) SEC. 5. Every corporation shall, annually, in the month of July, make a report, signed by a majority of the board of directors, containing—

Annual report.

First. The amount of capital actually paid in;

Contents.

Second. The amount invested in real estate;

Third. The amount of their personal estate;

Fourth. The amount of their debts and credits, as near as may be;

Fifth. The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified, on oath, by the officers signing the same; which report shall be filed in the office of the Secretary of State, and with the clerk of the county where the mine is situated, in said month of July; and if any person shall, as to any material facts, knowingly and willfully swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly; and every company organized for mining or smelting purposes shall, within the said month

Verification.

To be filed with Secretary of State and county clerk in July. 19 Mich. 187.

Penalty for false swearing or neglect to file report

of July, file a copy of said report with the clerk of the county where the mine of the company is located; and if the directors of any mining company shall, intentionally, neglect or refuse to make such report and file the same and a copy thereof, as hereinbefore provided, each of such directors shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars. ¹

Amount of capital stock limited

(2841.) SEC. 6. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall, in no case, be less than ten thousand dollars nor more than five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. The

How increased.

capital stock may be increased, and the number of shares, at any meeting of the stockholders called for that purpose: *Provided*,

proviso.

That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.

Purposes of corporation to be specified in articles of association.

(2842.) SEC. 7. The purposes for which every such corporation shall be established, shall be distinctly and definitely specified in the articles of association; and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

Call of first meeting.

(2843.) SEC. 8. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof, by publishing the same in some newspaper, at least fifteen days before the time appointed for such meeting.

Directors of corporation, and their term of office.

(2844.) SEC. 9. The stock, property, and affairs of such corporation shall be managed by not less than three nor more than nine directors, as the articles shall determine; one of whom shall be a resident of this State. They shall hold their offices one year and until their successors shall be duly chosen.

Election of officers.

(2845.) SEC. 10. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall

Term of service.

hold their offices one year, or until others are chosen in their stead.

Filling vacancies

The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the remainder of the current year. ²

Provisions relative to subscriptions to capital stock.

(2846.) SEC. 11. The directors may call in the subscription to the capital stock of such corporation by installments, in such portion, and at such times and places, as they shall think proper, by

¹ As amended by Act 70 of the Laws of 1869, p. 116, approved March 24, 1869.

² As amended by Act 89 of the Laws of 1867, p. 126, approved March 23, 1867.

giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholders may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside in this State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county. If no newspaper be published in said county in which such corporation transact their business, then it shall be published in some newspaper in the city of Detroit; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

5 Mich. 258.
14 Mich. 501.

Stock of delinquent stockholders, how sold.

Proviso.

(2847.) SEC. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy duly filed.

Quorum at meetings of directors and stockholders.

How stockholders may vote.

(2848.) SEC. 13. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days' notice of the time and place of such election, in the manner provided in the eleventh section.

Provision in case of failure in annual election.

(2849.) SEC. 14. The books of every such corporation containing the accounts shall, at all reasonable times, be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by order of the directors, and laid before the stockholders.

Books of account to be open for inspection, etc.

(2850.) SEC. 15. Every manufacturing corporation organized under this act, and every mining corporation, whether organized under this act or under special acts of incorporation heretofore granted, shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for the purpose

Mining and certain manufacturing companies may hold real estate.

Proviso. of carrying on the business of such corporation: *Provided*, That their real estate shall not exceed three thousand acres, unless such corporation is organized and actually engaged in mining or manufacturing copper, iron, or the ores thereof, in which case their real estate shall not exceed ten thousand acres; and all conveyances of lands heretofore made to any manufacturing corporation organized under this act are hereby confirmed and declared as valid and effectual to all intents and purposes as if made under the present provisions of this section.¹

Stock to be deemed personal property.

(2851.) SEC. 16. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members, invested therein, for all the debts due from them to such corporation, which may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights of stockholders.

Corporation to have lien upon stock for debts due from members.

Stockholders individually liable for labor performed.

(2852.) SEC. 17. The stockholders of all corporations founded upon this act shall be individually liable for all labor performed for such corporation, which said liability may be enforced against any stockholders by action founded on this statute, at any time after an execution shall be returned and not satisfied, or at any time after an adjudication in bankruptcy against such corporation: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them, jointly or severally, or any number of them, and recover in such action the ratable amount due from the stockholder or stockholders so sued.²

Proviso.

Annual reports of mining companies.
19 Mich. 187.

(2853.) SEC. 18. Every such corporation formed for mining purposes shall, annually, in the month of July in each year, make a report, which shall state the amount of copper, iron, or other mineral which such company may have mined within the year past; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the secretary, or other officer making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is

¹ As amended by Act 190 of the Laws of 1871, p. 319, approved April 17, 1871.

² As amended by Act 149 of the Laws of 1871, p. 233, approved April 15, 1871.

carried on, and a duplicate thereof in the office of the Auditor General.

(2854.) SEC. 19. Every corporation formed under the provisions of this act, for the purposes of carrying on manufacturing business, shall, annually, in the month of July in each year, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such company, and remaining unpaid in whole or in part; which report shall be signed by a majority of the directors, and verified by the oath of the secretary, or other officers making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is carried on, and a duplicate thereof in the office of the Auditor General.

Annual reports
of manufactur-
ing companies.
19 Mich. 187.

(2855.) SEC. 20. All corporations formed under the provisions of

Specific tax.

this act for the purpose of mining, shall pay into the State treasury specific taxes as follows, that is to say: Every such corporation engaged in copper mining shall pay a tax of seventy-five cents for each ton of copper obtained and smelted in this State, and one dollar for each ton of copper or mineral obtained and exported from the State before being smelted; every such corporation engaged in iron mining shall pay a tax of three cents for each ton of two thousand two hundred and forty pounds of ore or mineral obtained and exported from this State before being smelted or refined; pig, bloom, or other iron manufactured in this State shall be free from specific tax except upon the capital stock; every such corporation engaged in coal mining shall pay a tax of one half-cent for each ton of coal obtained by such corporation, in such mining business. Said taxes shall be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. This act shall in no way interfere with the provisions of an act heretofore passed, remitting the specific taxes of the Upper Peninsula to the counties in which they arise, for certain purposes, for a term of five years. The taxes herein provided for shall be in lieu of all State taxes to be paid by such corporations, except the specific taxes upon the capital stock of said companies: *Provided*, That nothing herein contained shall exempt from State taxation any property of such corporations not invested in mining or manufacturing business, as contemplated by this act.¹

When and where
paid.

Not to interfere
with previous
act.

Provide.

(2856.) SEC. 21. All corporations formed under the provisions of this act, for manufacturing purposes, shall be liable to be assessed for all real and personal estate held by them in this State, at its true value, and shall pay thereon a tax for township, city,

Tax on manu-
facturing com-
panies.

¹ As amended by Act 203 of the Laws of 1968, p. 327, approved and took effect March 20, 1968.

county, and State purposes, the same as other real and personal estate, and such tax shall be assessed, collected, and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected, and paid: *Provided*, Nothing herein contained shall authorize the taxing of the capital stock of such corporation as such capital stock.¹

Service of process on corporation, how made.

(2857.) SEC. 22. Service of any legal process against any corporation formed under this act, may be made on the president, secretary, or agent, or if neither of them can be found in the county in which by their articles of associations they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office of the company in said county.

Liability of directors for neglect to comply with certain provisions.
19 Mich. 187.

(2858.) SEC. 23. If the directors of any such company shall intentionally neglect or refuse to comply with the provisions, and to perform the duties required of them by sections three, five, eighteen, and nineteen of this act, they shall be jointly and severally liable, in an action founded on this statute, for all the debts of such corporation contracted during the period of such neglect or refusal; and such of them as were present and acting as such directors at any time during such neglect or refusal, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined a sum not exceeding five thousand dollars, or imprisoned for a term not exceeding two years, or both, in the discretion of the court.

Penalty of violating this act.

(2859.) SEC. 24. If any corporation organized and established under, or subject to, the provisions of this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation shall jointly and severally be liable in an action founded on this statute, for all debts contracted after such violation.¹

Legislature may rescind powers of corporation; may amend or repeal this act.

(2860.) SEC. 25. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs. The Legislature may repeal, alter, or amend this act.

Act to be subject to certain general provisions.
Chapter 78.

(2861.) SEC. 26. That this act shall be subject to the provisions of chapter fifty-five, title ten, of the Revised Statutes of 1846, so far as applicable to companies formed under this act.

¹ As amended by Act 21 of the Laws of 1865, p. 22, approved and took effect February 2, 1865.

² Vide note to section 10.

CHAPTER C.

BOARDS OF TRADE AND CHAMBERS OF COMMERCE.

An Act for the incorporation of boards of trade of trade and chambers of commerce.

[Approved March 19, 1863. Laws of 1863, p. 303.]

(3006.) SECTION 1. *The People of the State of Michigan enact,* Boards of trade authorized.
That any number of persons, not less than twenty, residing in any city, town, or county, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating together may agree, and elect a president, one or more vice-presidents, and such other officers as Officers of.
may be determined upon, adopt a name, constitution, and by-laws, Names, etc.
such as they may agree upon, and shall thereupon become a body corporate and politic, in fact and in name, by the name, style, or Body corporate.
title which they have adopted, and by that name shall have succession, shall implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity whatever, and they and their successors shall have a common seal, and may Common seal.
alter and change the same at any time, at their discretion.¹

(3007.) SEC. 2. Said corporation shall have the right to admit as Membership.
members such persons as they may see fit, and expel any member or person they may see fit; and in all cases a majority of the mem- By-laws.
bers present at any stated meeting shall have the right to pass, and also the right to repeal any by-law of said corporation; and in all

¹As amended by Act 68 of the Laws of 1865, p. 81, approved and took effect February 20, 1865.

But shall also have an office in this State.

office out of this State, shall have an office for the transaction of business within this State, to be also designated in such articles.

First meeting of companies with office out of State, where held.

(2866.) SEC. 2. The first meeting of every such association, having its business office out of this State, may be held either in this State or at such business office; and if held at such office, notice thereof shall be published for fifteen days previous thereto, in some newspaper published in the city of Detroit, and also in the county in which said office may be located.

Stock forfeited, where to be sold; and notice of sale, how published.

(2867.) SEC. 3. All stock in any company organized under the law to which this is supplementary, forfeited for non-payment of assessments, and belonging to residents of this State, shall be sold within this State; such as may belong to residents of the Upper Peninsula, to be sold at the county seat of the county in which such mine is located; and thirty days' notice of such sale shall be given in some newspaper published in said Upper Peninsula; and if none be published there, then in some newspaper published in the city of Detroit; and such stock as shall belong to residents of the Lower Peninsula, shall be sold at the office of the company, if there be one in the Lower Peninsula, and if there be no such office, then at the city of Detroit, thirty days' notice of such sale being previously given in some newspaper published in the county where such sale is to be made.

Certain meetings and corporate acts legalized.

(2868.) SEC. 4. All meetings and all corporate acts heretofore had by any company organized under the law to which this is supplementary, beyond the limits of this State, and within the United States, shall be held, and the same are hereby made to be, legal and valid: *Provided always*, That such meetings and acts would have been valid, if had within this State.

Companies under special charter may dissolve and organize under this act.

(2869.) SEC. 5. Any mining company organized and doing business under any special charter, may at any time, by a vote of a majority in interest of its stockholders, dissolve its organization, and organize under the act to which this is supplementary; and any company so organizing under said act, shall have the right, in preference to any other company, to assume the name by which it was known in its former charter: *Provided*, It perfects its organization within sixty days after dissolving its special charter; and after perfecting its organization, according to the provisions of said act, it shall be entitled to all the rights, privileges, and immunities therein contained, and the property, effects, and rights of action of the company shall pass to, and be vested in the company so organized under the acts to which this is supplementary, and the debts, liabilities, and demands existing against the company so

Proviso.

dissolved, shall be and remain debts, liabilities, and demands against the newly organized company, and may be prosecuted against it in like manner, and to the like effect, as they might have been against the company so dissolved.

(2870.) SEC. 6. Any company organized under the act to which this is supplementary, may at any time, by a vote of two-thirds in interest of its stockholders, increase its capital, not to exceed one million dollars, and the shares of its capital stock to fifty dollars each; but nothing in this act shall be construed to give any company organized under said act a right to increase its number of shares to a greater number than twenty thousand; and upon a like vote of its stockholders, any company may at any time diminish the amount of its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation, and the number of shares and price per share may be diminished in the same ratio; and at such meeting, its stockholders shall have power to make all necessary provisions for calling in the old scrip and issuing new certificates of stock: *Provided however*, Nothing herein contained shall in any way operate to discharge said company who may diminish its capital stock, from any obligation or demand that may be due from said company.¹

Increase of capital and shares authorized.

Limitation.

Capital may be diminished.

Issue of new certificates of stock.

Proviso.

SEC. 7. This act shall take effect immediately.

An Act to authorize mining companies to subscribe and take stock in plank roads or railroads, and to regulate taxation thereon.²

[Approved February 8, 1855. Laws of 1855, p. 44.]

SECTION 1. *The People of the State of Michigan enact*, That section one of said act, being section eighteen hundred thirty-one of the Compiled Laws, is hereby amended so as to read as follows.³

(2871.) SEC. 1. It shall be lawful for any mining company in the Upper Peninsula of this State, organized under any charter, or under the general mining laws of this State, to subscribe for and take stock in any company formed to construct canals or harbors and improve the same, or in any plank road or railroad, when such improvement or road is constructed for the purpose of facilitating transportation to the mines; and the amount of its capital so subscribed and paid out shall, for the purpose of taxation, be deducted

Companies may take stock in plank road or railroad companies.

¹ As amended by Act 202 of the Laws of 1865, p. 338, approved March 16, 1865.

² As amended by Act 104, Laws of 1868, p. 168.

³ The enacting clause does not seem to contemplate the amendment of Section 2.

of July, file a copy of said report with the clerk of the county where the mine of the company is located; and if the directors of any mining company shall, intentionally, neglect or refuse to make such report and file the same and a copy thereof, as hereinbefore provided, each of such directors shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars.¹

Amount of capital stock limited

(2841.) SEC. 6. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall, in no case, be less than ten thousand dollars nor more than five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. The

How increased.

capital stock may be increased, and the number of shares, at any meeting of the stockholders called for that purpose: *Provided,*

Proviso.

That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.

Purposes of corporation to be specified in articles of association.

(2842.) SEC. 7. The purposes for which every such corporation shall be established, shall be distinctly and definitely specified in the articles of association; and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

Call of first meeting.

(2843.) SEC. 8. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof, by publishing the same in some newspaper, at least fifteen days before the time appointed for such meeting.

Directors of corporation, and their term of office.

(2844.) SEC. 9. The stock, property, and affairs of such corporation shall be managed by not less than three nor more than nine directors, as the articles shall determine; one of whom shall be a resident of this State. They shall hold their offices one year and until their successors shall be duly chosen.

Election of officers.

(2845.) SEC. 10. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until others are chosen in their stead.

Term of service.

Filling vacancies

The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the remainder of the current year.²

Provisions relative to subscriptions to capital stock.

(2846.) SEC. 11. The directors may call in the subscription to the capital stock of such corporation by installments, in such portion, and at such times and places, as they shall think proper, by

¹ As amended by Act 70 of the Laws of 1899, p. 116, approved March 24, 1899.

² As amended by Act 89 of the Laws of 1897, p. 126, approved March 22, 1897.

giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholders may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside in this State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county. If no newspaper be published in said county in which such corporation transact their business, then it shall be published in some newspaper in the city of Detroit; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

5 Mich. 288.
14 Mich. 501.

Stock of delinquent stockholders, how sold.

Proviso.

(2847.) SEC. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy duly filed.

Quorum at meetings of directors and stockholders.

How stockholders may vote.

(2848.) SEC. 13. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days' notice of the time and place of such election, in the manner provided in the eleventh section.

Provision in case of failure in annual election.

(2849.) SEC. 14. The books of every such corporation containing the accounts shall, at all reasonable times, be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by order of the directors, and laid before the stockholders.

Books of account to be open for inspection, etc.

(2850.) SEC. 15. Every manufacturing corporation organized under this act, and every mining corporation, whether organized under this act or under special acts of incorporation heretofore granted, shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for the purpose

Mining and certain manufacturing companies may hold real estate.

- of carrying on the business of such corporation: *Provided*, That their real estate shall not exceed three thousand acres, unless such corporation is organized and actually engaged in mining or manufacturing copper, iron, or the ores thereof, in which case their real estate shall not exceed ten thousand acres; and all conveyances of lands heretofore made to any manufacturing corporation organized under this act are hereby confirmed and declared as valid and effectual to all intents and purposes as if made under the present provisions of this section.¹
- Proviso.** (2851.) SEC. 16. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members, invested therein, for all the debts due from them to such corporation, which may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights of stockholders.
- Stock to be deemed personal property.**
- Corporation to have lien upon stock for debts due from members.**
- (2852.) SEC. 17. The stockholders of all corporations founded upon this act shall be individually liable for all labor performed for such corporation, which said liability may be enforced against any stockholders by action founded on this statute, at any time after an execution shall be returned and not satisfied, or at any time after an adjudication in bankruptcy against such corporation:
- Stockholders individually liable for labor performed.**
- Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them, jointly or severally, or any number of them, and recover in such action the ratable amount due from the stockholder or stockholders so sued.²
- Proviso.**
- (2853.) SEC. 18. Every such corporation formed for mining purposes shall, annually, in the month of July in each year, make a report, which shall state the amount of copper, iron, or other mineral which such company may have mined within the year past; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the secretary, or other officer making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is
- Annual reports of mining companies.**
19 Mich. 187.

¹ As amended by Act 190 of the Laws of 1871, p. 819, approved April 17, 1871.

² As amended by Act 149 of the Laws of 1871, p. 283, approved April 15, 1871.

carried on, and a duplicate thereof in the office of the Auditor General.

(2854.) SEC. 19. Every corporation formed under the provisions of this act, for the purposes of carrying on manufacturing business, shall, annually, in the month of July in each year, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such company, and remaining unpaid in whole or in part; which report shall be signed by a majority of the directors, and verified by the oath of the secretary, or other officers making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is carried on, and a duplicate thereof in the office of the Auditor General.

Annual reports
of manufactur-
ing companies.
19 Mich. 187.

(2855.) SEC. 20. All corporations formed under the provisions of this act for the purpose of mining, shall pay into the State treasury specific taxes as follows, that is to say: Every such corporation

engaged in copper mining shall pay a tax of seventy-five cents for each ton of copper obtained and smelted in this State, and one dollar for each ton of copper or mineral obtained and exported from the State before being smelted; every such corporation engaged in iron mining shall pay a tax of three cents for each ton of two thousand two hundred and forty pounds of ore or mineral obtained and exported from this State before being smelted or refined; pig, bloom, or other iron manufactured in this State shall be free from specific tax except upon the capital stock; every such corporation engaged in coal mining shall pay a tax of one half-cent for each ton of coal obtained by such corporation, in such mining business. Said taxes shall be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate. This act shall in no way interfere with the provisions of an act heretofore passed, remitting the specific taxes of the Upper Peninsula to the counties in which they arise, for certain purposes, for a term of five years. The taxes herein provided for shall be in lieu of all State taxes to be paid by such corporations, except the specific taxes upon the capital stock of said companies: *Provided*, That nothing herein contained shall exempt from State taxation any property of such corporations not invested in mining or manufacturing business, as contemplated by this act.¹

When and where
paid.

Not to interfere
with previous
act.

Proviso.

(2856.) SEC. 21. All corporations formed under the provisions of this act, for manufacturing purposes, shall be liable to be assessed for all real and personal estate held by them in this State, at its true value, and shall pay thereon a tax for township, city,

Tax on man-
ufacturing com-
panies.

¹ As amended by Act 205 of the Laws of 1868, p. 357, approved and took effect March 20, 1868.

Proviso.

Service of process on corporation, how made.

Liability of directors for neglect to comply with certain provisions.
19 Mich. 187.

Penalty of violating this act.

Legislature may rescind powers of corporation; may amend or repeal this act.

Act to be subject to certain general provisions.
Chapter 78.

county, and State purposes, the same as other real and personal estate, and such tax shall be assessed, collected, and paid in the same manner as other taxes on real and personal estate are required to be assessed, collected, and paid: *Provided*, Nothing herein contained shall authorize the taxing of the capital stock of such corporation as such capital stock.¹

(2857.) SEC. 22. Service of any legal process against any corporation formed under this act, may be made on the president, secretary, or agent, or if neither of them can be found in the county in which by their articles of associations they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office of the company in said county.

(2858.) SEC. 23. If the directors of any such company shall intentionally neglect or refuse to comply with the provisions, and to perform the duties required of them by sections three, five, eighteen, and nineteen of this act, they shall be jointly and severally liable, in an action founded on this statute, for all the debts of such corporation contracted during the period of such neglect or refusal; and such of them as were present and acting as such directors at any time during such neglect or refusal, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined a sum not exceeding five thousand dollars, or imprisoned for a term not exceeding two years, or both, in the discretion of the court.

(2859.) SEC. 24. If any corporation organized and established under, or subject to, the provisions of this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation shall jointly and severally be liable in an action founded on this statute, for all debts contracted after such violation.¹

(2860.) SEC. 25. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs. The Legislature may repeal, alter, or amend this act.

(2861.) SEC. 26. That this act shall be subject to the provisions of chapter fifty-five, title ten, of the Revised Statutes of 1846, so far as applicable to companies formed under this act.

¹ As amended by Act 21 of the Laws of 1865, p. 23, approved and took effect February 2, 1865.

¹ Vide note to section 10.

(2862.) SEC. 27. Any number of persons engaged in the business of manufacturing salt within this State, or corporations formed under this act for the purpose, either wholly or in part, of manufacturing salt, not less than three, who shall, by articles of agreement, in writing, associate according to the provisions of this act, for the purpose of engaging in and carrying on the business of manufacturing salt, or of buying and selling salt, and such other articles as are used in, or in connection with, such manufacture, or both, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, under any name assumed by them in such articles, and may, by special provision in their articles of association, increase the board of directors to a number not exceeding sixteen.¹

Authorized to incorporate.

Increase of directors.

(2863.) SEC. 28. Such articles of association shall be executed and acknowledged in the manner hereinbefore prescribed, and the president of any corporation entering into such association may execute and acknowledge the same in behalf of such corporation. The articles shall contain the statement hereinbefore prescribed; and all of the provisions of this act relating to manufacturing corporations shall be applicable to corporations organized under the last preceding section.¹

Acknowledgment of articles.

What they shall contain.

(2864.) SEC. 29. Any corporation organized under the laws of this State, for the purpose of manufacturing, may, with the consent of a majority in interest of the stockholders, or by resolution of the board of directors thereof, take and hold stock in any corporation organized under the provisions of section twenty-seven.¹

Power to hold stock in other corporations.

An Act supplementary to an act entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 5, 1858.

[Approved February 6, 1855. *Laws of 1855, p. 26.*]

(2865.) SECTION 1. *The People of the State of Michigan enact,* It shall be lawful for any mining company, associating under the act to which this is supplementary, to provide in the articles of association for having the business office of such company out of this State, at any place within the United States, and to hold any meeting of the stockholders or directors of such company, at such office so provided for; but every such company having its business

Companies may have business office out of the State.

¹ Added by Act 43 of the Laws of 1867, p. 63, approved and took effect March 12, 1867.

- By-laws.** trustees shall form a quorum, and may make by-laws, and alter the same, for the more orderly transaction of their business, and for the regulation of the care or relief to indigent and other sick and infirm persons. As soon as such corporation shall be duly organized, the individual trustees who hold or possess the lands or other property so given, granted, devised or bequeathed, shall forthwith convey and deliver the same to such corporation by deed or other proper mode of transfer, and said corporation shall thereupon and thereafter hold, possess and enjoy the same to the same extent, and for the same purposes, as designed and declared by the original donor.
- Property to be conveyed to corporation.** (3031.) SEC. 4. Such corporation may, by gift, grant, devise, or bequest, take, receive, and hold any property, real or personal, but only for the purposes for which it is incorporated: *Provided*, That said corporation shall not hold any lands except such as shall be necessary for the direct and reasonable use or convenience of its hospital or asylum, for a longer period than ten years.
- Corporation may receive by gift, etc.** **Proviso.** (3032.) SEC. 5. No trustees of said corporation shall be entitled to any compensation except under some special employment by the board, or authority expressed in the original deed or instrument of trust.
- Trustees not entitled to compensation.** (3033.) SEC. 6. All the funds of said corporation shall be faithfully and exclusively used for the purposes thereof, as set forth in its articles, and the same shall be wholly used within this State. Said corporation may invest its funds by loan, on mortgage security, or by purchase of any city, county, State, or United States bonds, or by loan on pledge of the same: *Provided*, That no loan of such funds shall be made to any trustee, officer, or servant of such corporation.
- Funds, how used.** **Proviso.** (3034.) SEC. 7. The property on which said asylum or institution building stands, together with said building, shall, while occupied for the objects and purposes thereof, be exempt from taxation.
- Property exempt from taxation.** (3035.) SEC. 8. Such corporation, whenever required by the Attorney General or the Legislature, shall make and exhibit a full statement of its affairs, under the oath of one or more of its trustees; and for any neglect so to report when required, each one of its officers, and all of the trustees so neglecting, shall be liable to a penalty of fifty dollars each, to be recovered by action of debt, in the name of the people of the State of Michigan: *Provided*, That said corporation may report to the Legislature each and every year after the establishment of such asylum or other institution, should they desire so to do.
- Report of trustees.** **Penalty for neglect to report.** **Proviso.**

dissolved, shall be and remain debts, liabilities, and demands against the newly organized company, and may be prosecuted against it in like manner, and to the like effect, as they might have been against the company so dissolved.

(2870.) SEC. 6. Any company organized under the act to which this is supplementary, may at any time, by a vote of two-thirds in interest of its stockholders, increase its capital, not to exceed one million dollars, and the shares of its capital stock to fifty dollars each; but nothing in this act shall be construed to give any company organized under said act a right to increase its number of shares to a greater number than twenty thousand; and upon a like vote of its stockholders, any company may at any time diminish the amount of its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation, and the number of shares and price per share may be diminished in the same ratio; and at such meeting, its stockholders shall have power to make all necessary provisions for calling in the old scrip and issuing new certificates of stock: *Provided however*, Nothing herein contained shall in any way operate to discharge said company who may diminish its capital stock, from any obligation or demand that may be due from said company.¹

Increase of capital and shares authorized.

Limitation.

Capital may be diminished.

Issue of new certificates of stock.

Proviso.

SEC. 7. This act shall take effect immediately.

An Act to authorize mining companies to subscribe and take stock in plank roads or railroads, and to regulate taxation thereon.²

[Approved February 3, 1855. Laws of 1855, p. 44.]

SECTION 1. *The People of the State of Michigan enact*, That section one of said act, being section eighteen hundred thirty-one of the Compiled Laws, is hereby amended so as to read as follows.³

Section amended

(2871.) SEC. 1. It shall be lawful for any mining company in the Upper Peninsula of this State, organized under any charter, or under the general mining laws of this State, to subscribe for and take stock in any company formed to construct canals or harbors and improve the same, or in any plank road or railroad, when such improvement or road is constructed for the purpose of facilitating transportation to the mines; and the amount of its capital so subscribed and paid out shall, for the purpose of taxation, be deducted

Companies may take stock in plank road or railroad companies.

¹ As amended by Act 202 of the Laws of 1865, p. 338, approved March 16, 1865.

² As amended by Act 104, Laws of 1868, p. 168.

³ The enacting clause does not seem to contemplate the amendment of Section 2.

from the capital of such mining company, and shall be taxed only as the capital of such river or harbor, plank, or railroad company.

Amount taken
to be returned to
State Treasurer.

(2872.) SEC. 2. The president and secretary of every such mining company, subscribing or taking stock in any such company, shall, on or before the first day of May in each year, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which such mining company has subscribed and paid in any company herein referred to, and also in what particular company.

SEC. 3. This act shall take immediate effect.

Approved March 14, 1863.

An Act to confer certain powers upon mining companies.

[Approved February 13, 1855. Took effect May 16, 1855. Laws of 1855, p. 391.]

Offices without
this State au-
thorized.

(2873.) SEC. 1. It shall be lawful for any mining company heretofore incorporated by special act or organized under the general laws of this State, or which may hereafter be organized under the same, to establish an office or offices for the transaction of business without this State and within the United States, and to hold any corporate meeting and do any corporate act at any such office: *Provided*, That there shall always be one business office within this State, and that service of any notice or process may be made upon the agent in charge of such office, which shall be binding upon such company. The place of holding such offices shall be fixed by a vote of a majority of stockholders at any lawful meeting, and shall be certified to the Secretary of State.¹

Proviso.

Process may be
served on agent.

Offices hereto-
fore established.

(2874.) SEC. 2. In all cases wherein any such company, or the directors thereof, may have established any such office or offices without this State, and within the United States, before the passage of this act, the same shall be and remain the office or offices of such company, until changed by such company or the directors thereof: *Provided however*, That such company shall, within six months from the passage of this act, establish an additional office within the State of Michigan, and certify the location of all of its offices to the Secretary of State.

Proviso.

Certain meetings
and corporate
acts legalized.

(2875.) SEC. 3. All meetings, and all corporate acts of any incorporated mining company, heretofore had or done without the limits of this State, and in the United States, shall be held, and are hereby declared to be as lawful and binding as if the same had

¹ As amended by Act 258 of the Laws of 1859, p. 1058, approved February 15, 1860.

taken place within this State; but nothing herein contained shall be construed to create any forfeiture of the rights of any stockholder to his stock or property in such corporation.

(2876.) SEC. 4. In lieu of the specific tax on their corporate stock now provided for by law, all chartered mining companies, chartered by this State, shall hereafter be subject to the payment of specific taxes, in the manner and to the extent set forth in section twenty of an act entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February five, eighteen hundred and fifty-three. Taxation of mining companies.

An Act to authorize mining corporations to increase the number of shares into which their capital stocks may be divided.

[Approved February 9, 1857. Laws of 1857, p. 186.]

(2877.) SECTION 1. *The People of the State of Michigan enact,* That all mining corporations heretofore created by special acts of incorporation passed by the Legislature of this State, and duly organized under the same, shall have authority, each respectively, to increase the number of shares into which their capital stocks are divided, to such number as they may see fit: *Provided,* That no company shall divide its capital stock into more than twenty thousand shares, nor shall the capital stock of any such company be increased by this act. Powers of corporation to increase stock.
Limitation of shares.

(2878.) SEC. 2. No increase of the shares of the capital stock of any mining corporation shall take effect under this act, until such corporation shall have accepted of its provisions, by resolution of the board of directors, and shall have filed in the office of the Secretary of State a certified copy of such resolution, and also a certificate of the secretary of such corporation, showing the number of shares into which its capital stock is to be divided under this act. Increase not to take effect until corporation has accepted provisions of this act.

SEC. 3. This act shall take immediate effect.

¹As amended by "An act to amend an act entitled 'An act to authorize mining corporations to increase the number of shares into which their capital stock may be divided,' approved and in force February 17, 1857. Laws of 1857, p. 462." The amendment merely struck out the following proviso at the end of the section: *And provided further,* That the said shares shall not be reduced below twenty-five dollars each.

An Act to authorize the consolidation of mining companies.

[Approved February 17, 1857. Laws of 1857, p. 457.]

Mining corporations may consolidate.

(2879.) SECTION 1. *The People of the State of Michigan enact,* That any mining corporation organized under the act approved February fifth, eighteen hundred and fifty-three, for authorizing the formation of mining corporations, is hereby authorized to consolidate with, and purchase from any other mining corporation organized under said act, all its property, rights, and franchises, upon such terms as shall be mutually agreed upon; and the stockholders of the corporation whose property, rights, and franchises are thus purchased, shall become stockholders of the corporation purchasing the same, in such proportions as shall be agreed upon in the terms of sale; and the corporation, thus selling its property, rights, and franchises shall become merged in and consolidated with the corporation buying the same.

Assent of majority of stockholders necessary.

(2880.) SEC. 2. No consolidation of one mining corporation with another, under this act, shall take place without the prior assent thereto of a majority of the stockholders of each corporation, at the annual meeting of the stockholders, or at a special meeting duly called for that purpose.

Corporation purchasing may call in and cancel its prior stock and issue new stock.

(2881.) SEC. 3. Any mining corporation thus purchasing the property, rights, and franchises of another, shall have power to call in and cancel its prior certificates of stock, and to make and issue to its stockholders, including those of the corporation to be consolidated with it, new certificates of stock, in such proportions to each as each shall be entitled to, according to the terms of consolidation as agreed upon, and to forfeit the stock of any stockholder who shall not return his stock to be canceled as aforesaid, within ninety days after actual notice of the resolution of the corporation for calling in its stock, or who shall not return it after publication of notice of said resolution for ninety days, in some daily newspaper published in the State of Michigan.

Corporation purchasing liable for dues of corporation selling.

(2882.) SEC. 4. All dues, demands, contracts, and liabilities of any corporation thus selling its property, rights, and franchises to another, shall be and remain in force against the corporation purchasing the same, in like manner as if originally incurred by it; and all rights of creditors, and all liens upon the property of either corporation, shall remain unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same.

(2883.) SEC. 5. No corporation with which another may be consolidated under this act, shall be allowed to increase its capital stock by virtue of this act, but such corporation shall, in all respects consistent with this act, be subject to the provisions of the general law of this State above referred to, authorizing the formation of mining corporations.

Capital stock not to be increased by virtue of this act.

SEC. 6. This act shall take immediate effect.

An Act supplementary to an act entitled "An Act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals," approved February fifth, eighteen hundred and fifty-three.

[Approved March 14, 1865. Laws of 1865, p. 261.]

(2884.) SECTION 1. *The People of the State of Michigan enact,* It shall be lawful for any corporation, formed under the provisions of the act to which this is supplementary, to conduct their mining and manufacturing business, in whole or in part, at any place or places within the United States.

Business, where conducted.

(2885.) SEC. 2. Before any corporation, formed under the provisions of the act to which this is supplementary, shall commence business out of this State, the president and directors shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county in which said corporation shall have, within this State, its office for the transaction of business, which said articles shall be recorded in said office at length, in books prepared for that purpose, at the expense of said corporation.

Articles of association, where filed.

Recorded.

(2886.) SEC. 3. Any such corporations, conducting its mining and manufacturing in whole or in part out of this State, shall be subject to the laws of this State in regard to corporations, so far as the same shall be applicable to corporations formed under this act.

Subject to laws of this State.

SEC. 4. This act shall take immediate effect.

An Act supplementary to "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifteenth, eighteen hundred and fifty-three.

[Approved March 27, 1867. Laws of 1867, p. 226.]

SECTION 1. *The People of the State of Michigan enact,* That act number one hundred and seventy-four, of the Session Laws of eighteen hundred and sixty-seven, being "An act supplementary to an act to authorize the formation of corporations for mining,

Act amended.

smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifteenth, eighteen hundred and fifty-three, be and the same is hereby amended so as to read as follows:

What to be legal meeting of stockholders.

(2887.) SEC. 1. That no meeting of the stockholders of any corporation, organized under the provisions of the act to which this is supplementary, for the purpose of mining, smelting, or manufacturing iron, copper, or other ores or minerals, in the Upper Peninsula shall be or be held to be legal or valid, or the proceedings thereof of any force or effect, unless the directors, or other officers or parties calling the same, shall cause a notice of the time, place, and object of holding the same, to be published two weeks for any annual meeting, and four weeks for any special meeting, previous thereto, in some newspaper published in the county in which its business is carried on, or its mines or works are situated, if one be published therein; and if not, then in some paper published in said Upper Peninsula, printed nearest to such mine, works, or place of business, and shall also cause a copy of such notice to be sent by mail to each stockholder of record, at his usual place of residence, twenty days before the time of such meeting: *Provided*, If the directors or officers calling such meeting shall cause a written or printed notice thereof to be personally served on each stockholder of such corporation, at least twenty days previous thereto, and file proof of such service, or if all such stockholders actually appear and consent to act at such meeting without notice, and the fact thereof be entered upon the record of such meeting, the same shall be as valid as if notice were given, as hereinbefore provided.¹

Proviso.

A vote of three-fifths in interest necessary to pass title, except surface right.

(2888.) SEC. 2. No alienation, division, sale, or mortgage of any, or any part of the mine works, real estate, or franchise of any corporation mentioned in the first section of this act, shall have any force or effect, or pass any title thereto, or interest therein, unless expressly authorized by the vote three-fifths in interest of the entire stock of said company actually present, or legally represented at some meeting of stockholders called, and notified in accordance with the provisions of the preceding section of this act, except the surface right to land for village lots, or land not required for mining purposes, from which the timber has been removed.¹

How to perpetuate evidence of sale, etc.

(2889.) SEC. 3. Any person desiring to perpetuate evidence of the facts on which the legality of any alienations, division, sale, or

¹ As amended by Act 82 of the Laws of 1900, p. 47, approved March 12, 1900.

mortgage of any of the real estate, mine works, or franchises of any such corporation depends, may procure—

First. An affidavit of the person or persons who served the notices of the meeting at which the same was authorized, on the several stockholders, showing the time and manner of such service; May procure affidavit of server of notice.

Second. An affidavit of publication of the notice of such meeting, if such notice be published, to be made by the printer of the newspaper in which the same was published, or by some one in his employ having knowledge of the facts; and, Of publication.

Third. A transcript of the record of proceedings of such meeting, to be verified by the oath of the secretary, or other officer of such corporation having custody of said record; Record of proceedings.

Fourth. Said affidavit and verified transcript may be recorded in the office of the register of deeds of the proper county, in the book of miscellaneous records, and when so recorded, the original affidavits and transcripts, the records thereof, or a certified copy thereof, shall be *prima facie* evidence of the facts therein contained.¹ Evidence may be recorded.

(2890.) SEC. 4. Any meeting of stockholders, called and notified as herein required, may be adjourned to any time not exceeding sixty days thereafter, or to any specified place, without any further or other notice than the vote of a majority in interest, represented and voting thereat.¹ Adjourned meetings.

(2891.) SEC. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.¹ Acts repealed.

SEC. 6. This act shall take immediate effect.

An Act to authorize the consolidation of mining corporations.

[Approved January 27, 1871. Laws of 1871, p. 10.]

(2892.) SECTION 1. *The People of the State of Michigan enact,* That mining corporations organized under the general laws of this State may, by vote of three-fifths (3-5) in interest of the entire stock of said corporations actually present or legally represented at meetings of stockholders duly called to consider the question of consolidation, agree to unite and consolidate the said corporations. At such meetings the terms upon which the consolidation shall be effected, the valuations of the several properties, and the number of shares of stock in the consolidated corporation to which the stockholders in each of the corporations may be entitled, shall be How may consolidate. When valuations etc., shall be determined.

¹ As amended by Act 32 of the Laws of 1869, p. 47, approved March 12, 1869.

Amount of capital stock.	determined. The capital stock and the number of shares in the consolidated corporation may be the same, but no greater, than the aggregate capital stock and number of shares of the several corporations before such consolidation: <i>Provided</i> , That no mining
Proviso.	corporations shall unite under this act whose capital actually paid in, or whose expenditures in the purchase of lands and improvements, shall be less than one hundred thousand dollars each. The
Companies to file certificate of capital stock with Secretary of State.	several corporations forming such consolidated corporation, before the said consolidation shall be completed, shall file in the office of the Secretary of State a certificate signed by the president and secretary of each of said corporations and verified under oath, showing the amount of capital stock actually paid in, the amount expended for the purchase of lands, and for improvements made upon said lands by each of the said corporations: <i>Provided</i> , The
Proviso.	lands of such corporations shall be known as mineral lands, and in every case contiguous and adjacent to each other: <i>Provided further</i> ,
Further proviso.	That the capital stock of no consolidated corporation shall be divided into a greater number than eighty thousand shares, that in
Number of shares.	no case shall a greater amount of capital be called in by the consolidated corporation under this act than that remaining unpaid on the stock of the several corporations at the time of such consolidation, and that the par value of such shares shall be fixed at
Par value of shares.	the meeting at which the consolidation shall be made, and in no case exceeding twenty-five dollars, or less than ten dollars; and every certificate of stock issued shall upon its face state the par value and the amount of assessment to which said stock is liable.
Powers, privileges, rights, etc.	(2893.) SEC. 2. The corporations so formed shall hold and enjoy all the powers, privileges, rights, franchises, properties, claims, demands, and estates which at the time of such union may be held and enjoyed by either of said existing corporations, and be subject
Dues and liabilities. Suits at law; how prosecuted and defended.	to all the dues, demands, contracts, and liabilities existing against either of the same; and all suits at law or in equity, and all proceedings before any tribunal, which may be pending, to which either corporation shall be a party, may be prosecuted and defended by the company hereby authorized, in the same name, in like manner, and with the same effect, as might have been done had such union not have been formed. All claims, contracts, rights, and
Claims, contracts, etc., how enforced.	causes of action of or against either corporation, at law or in equity, may be enforced by suit or action, to be commenced and prosecuted by or against the corporation formed as aforesaid. And the said existing corporations shall continue corporations for the purpose of prosecuting or defending any suit or proceeding at law, or in

equity, or otherwise, now pending or which may hereafter be brought by or against either of them.

(2894.) SEC. 3. The officers of the existing corporations shall continue to exercise, in behalf of the corporations so to be formed, all their rights and powers, until the new corporation shall be organized; and thereafter each of the said existing corporations shall continue, for the purpose of perfecting the said union, and doing all such acts and things, if any, as may be necessary therefor; and shall execute all such transfers, conveyances, and assignments as the corporation formed as aforesaid may deem necessary or expedient to vest in itself any property, estates, contracts, rights, or claims, if any there be, which do not vest in it by virtue or authority of this act.

Rights and powers of existing corporations.

(2895.) SEC. 4. Any mining corporation consolidated under this act shall have power to call in and cancel their prior certificates of stock, and to make and issue to its stockholders new certificates of stock in the consolidated corporation, in such proportions to each as each shall be entitled to, according to the terms of consolidation as agreed upon, and to cancel the stock of any stockholder who shall not return his stock to be canceled as aforesaid within ninety days after actual notice of the resolution of the corporation for calling in its stock, or who shall not return his stock after publication of notice of said resolution for ninety days in some daily paper published in the city of Detroit, also in some paper published in the Upper Peninsula, also in a paper published in the place where the principal business office of the company is located.

Certificates of stock; power to cancel; to issue new, etc.

Notice for calling in stock.

(2896.) SEC. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Acts repealed.

SEC. 6. This act shall take immediate effect.¹

An Act to authorize corporations of other States to engage in mining, smelting, or refining of ores or metals within this State.

[Approved April 15, 1871. Laws of 1871, p. 214.]

(2897.) SECTION 1. *The People of the State of Michigan enact,* That corporations formed, established, or existing under the laws of other States, for the purpose of mining, smelting, or refining ores or metals, may engage in such business within this State; and any such corporation may acquire and hold such real estate as shall be necessary for carrying on the business of mining, smelting, or

May hold real estate necessary for carrying on business.

¹ As amended by Act 24 of the Laws of 1871, p. 26, approved and took effect March 1, 1871.

Proviso.	refining of ores or metals, and for no other purposes: <i>Provided</i> , That any such corporation shall not hold more than six thousand acres of land at any one time.
Annual report.	(2898.) SEC. 2. That every such corporation shall make report to the Secretary of State, of the same matters and things, and at the time, and in the manner required by law, of corporations existing under the laws of this State, and under the same penalties, and shall be subject to the same duties and liabilities, and to the payment of the like taxes, in all respects, as like corporations existing and established under the laws of this State.
Duties and liabilities.	(2899.) SEC. 3. Every person who shall perform any labor or furnish any material for such corporation, and every <i>bona fide</i> holder of any draft or order for the payment of money due for labor or material issued or drawn by any officer, clerk, or agent of such corporation, shall have a first lien for the amount due thereon and therefor, upon all the real and personal property of such corporation lying and being within this State, which lien shall take precedence of all debts, judgments, or decrees, liens, or mortgages against such corporation, except liens accruing to this State for taxes, fines, or penalties; and every such lien may be procured or enforced and collected out of such real and personal property, or either of the same, in the same manner and under the same regulations, limitations, and conditions, as near as may be, as are provided by law for the enforcement and collection of liens on real and personal property of like corporations existing and established under the laws of this State.
Exceptions.	
How collected.	
Business office and officer in charge.	(2900.) SEC. 4. Any corporation doing business in this State under the provisions of this act shall keep an office within the county where its business is carried on, with some person in charge being an officer, agent, or clerk of said corporation, and service of any legal process against any corporation doing business as aforesaid may be made on any such officer, agent, or clerk; and if neither of them can be found in the county where they are to do their business, then such service may be made by posting a true copy thereof in some conspicuous and proper place at the business office of the corporation in said county, and such service shall be as legal and effectual as though the same had been served on some one of the persons hereinbefore named.
Service of legal process.	
	SEC. 5. This act shall take immediate effect.

CHAPTER XCVI.

GAS-LIGHT COMPANIES.

An Act to authorize the formation of gas-light companies.

[Approved February 12, 1855. Took effect May 16, 1855. Laws of 1855, p. 243.]

(2901.) SECTION 1. *The People of the State of Michigan enact,* Corporate powers of company.
All corporations organized and established under the provisions of this act shall be capable of suing and being sued in any court in this State, and may have a common seal, and may alter and amend the same at pleasure; may elect by ballot a president and three directors, at the legal meetings as hereinafter provided, and all other necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws (not inconsistent with the laws and Constitution of this State) as a majority of the stockholders may direct at any regular meeting.

(2902.) SEC. 2. Any number of persons, not less than five, who shall, by articles of agreement in writing, associate according to the provisions of this act, under any name assumed by them for the purpose of engaging in the manufacture and supplying any town, city, or village with gas for lighting the same, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, under any name assumed by them in their articles of association; and any such Company so formed shall be entitled to all the privileges conferred, and subject to the requirements by the fifty-fifth chapter of Revised Statutes of eighteen hundred and forty-six, unless otherwise provided in this act.

How companies may be organized.

- Power to acquire property.** (2903.) SEC. 3. Every such corporation shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for carrying on the business of said corporation.
- Articles of association to be filed and recorded.** (2904.) SEC. 4. Before any corporation formed under this act shall commence business, the president or directors shall cause their articles of association to be filed with the Secretary of State, and also shall cause said articles of association to be recorded at length in the county register's office (where said company is located), in the book of miscellaneous records, and it is hereby made the duty of the register to record the said article upon the payment of the usual recording fees.
- To be signed and acknowledged.** (2905.) SEC. 5. The articles of every such association shall be signed by the persons so associating in the first instance, and acknowledged before some person authorized by law to take the acknowledgment of deeds; shall state the name of said company by which it shall be known; the object for which such company shall be formed; the amount of capital stock of said company; the number of shares of which said stock shall consist, and the name of the town, city, or village, and county, in which the operations of said company are to be carried on; the name of the stockholders, their respective residences, and the number of shares held by each person.
- Contents of articles.**
- Capital stock.** (2906.) SEC. 6. The amount of capital stock in every such corporation shall be fixed by the stockholders, in their articles of association, but shall in no case be less than ten thousand dollars nor more than five hundred thousand dollars. Said stock may be increased from time to time, as may be directed by the stockholders, subject to the foregoing restriction; and when the same is so increased, the same record shall be made of the fact, with the name of the stockholders, as required by section four of this act; and all the stock of said company shall be divided into shares of fifty dollars each.
- How stock may be increased.**
- Election of officers.** (2907.) SEC. 7. The officers shall be elected by the stockholders, when fifty per cent of the stock shall be subscribed and ten per cent of the amount subscribed paid in, and after a notice of at least two weeks has been given in some newspaper printed in the place where the said business is to be located, said notice to be signed by at least three stockholders; and the officers elected shall hold their office one year and until their successors are elected. Said officers shall have the general superintendence of the affairs of the company and the management of the business, and may call special meetings of the stockholders; and a majority of the stock-
- Term of office.**

holders shall constitute a quorum at all meetings; and at all meetings each share shall be entitled to one vote.

How stockholders to vote at meetings.

(2908.) SEC. 8. Any corporation formed under this act shall have full power to manufacture and sell, and to furnish such quantities of gas as may be required in the city, town, or village where said corporation is located, for public or private buildings, or for other purposes; and such corporation shall have power to lay conductors for conducting gas through the streets, lands, or squares of any city, town, or village where said corporation is located, with the consent of the municipal authorities of said city, town, or village, under such reasonable regulations as they may prescribe, and to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

General powers of corporation.

(2909.) SEC. 9. The stock of every such corporation shall be deemed personal property, and certificates of stock shall be issued to each stockholder on the full amount of his subscription being paid in. The said certificates of stock may be transferable, but the transfer shall not be valid unless a record shall be made of the same in the books of the company, in such form as the director shall prescribe; and it shall be the duty of the directors to make out a written statement of all the stockholders and the amount of stock held by each, when legally called upon by the proper assessing officer.

Stock to be deemed personal property.

How transferable.

(2910.) SEC. 10. The directors may call in subscriptions to the capital stock of such corporation by installment, in such portions as they deem best, by giving notice thereof as provided by the by-laws; and in case any stockholder refuses or neglects to pay any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of any such delinquent stockholder may be sold by order of the directors, at public auction at the office of said company, after thirty days' notice, published in some newspaper in the county where the corporation is located; and the proceeds of said sale shall be first applied in payment of the installment called for, and the expense on the same, and the residue shall be refunded to the former owner thereof; and such sale shall entitle the purchaser to all the privileges of a stockholder, to the extent of the shares so bought.

How subscriptions to stock called in.

Forfeiture and sale of stock for non-payment.

(2911.) SEC. 11. The stockholders of all corporations organized under this act, shall be individually liable for any labor or services done or performed for such company, and they shall also be liable as aforesaid, for the payment of all other debts or obligations con-

Stockholders liable for services to company, and for other debts.

How enforced.	tracted or incurred by said corporation during the time they were stockholders, to the amount of all unpaid installments on stock held by them respectively, which liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned, not satisfied, against said company: <i>Provided always</i> , That if any stockholder shall be compelled by any
Proviso.	such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued. ¹
Chartered companies may organize under this act.	(2912.) SEC. 12. Any gas-light company organized and doing business under any special charter, may at any time, by a vote of two-thirds in interest of its stockholders, dissolve its organization, and organize under this act; and any company so organizing under this act shall have the right, in preference to any other company, to assume the name by which it was known in its former charter: <i>Provided</i> , It perfects its organization within sixty days after dissolving and throwing up its special charter; and after perfecting its organization under the provisions of this act, it shall be entitled to all the rights, privileges, and immunities therein contained.
Proviso.	
Rights and liabilities of such new corporation.	(2913.) SEC. 13. All rights of creditors, and all liens upon the property of said company so dissolving its organization, shall be and hereby are preserved unimpaired; and said company shall continue to exist so far as may be necessary to enforce the same. And all debts, liabilities, and duties of said company shall thenceforth attach to such new corporation, and be enforced against it to the same extent, and in the same manner, as if such debts, liabilities, and duties had been originally incurred by it.

¹ As amended by act 60 of the Laws of 1869, p. 105, approved and took effect March 26, 1869. Section 2 of said amendatory act is as follows:

SEC. 2. This act shall not affect the liability of stockholders in such companies, incurred prior to the passage of this act.

CHAPTER XCVII.

INSURANCE COMPANIES.

An Act for the incorporation of insurance companies, and defining their powers and duties.

[Approved February 15, 1859. Laws of 1859, p. 1079.]

(2914.) SECTION 1. *The People of the State of Michigan enact,* Power to incorporate.
That any number of persons, not less than seven, may associate together and form an incorporated company for either of the following purposes, to wit:

First. To make insurance on dwelling-houses, stores, and all Dwellings, stores, etc.
kinds of buildings, and upon household furniture, goods, wares and merchandise, and any other property, against loss or damage by fire;

Second. To make insurance as aforesaid, upon vessels, freights, Vessels, freights, etc.
goods, wares, merchandise, and other property, against the risks of inland navigation and transportation;

Third. To make insurance against loss and injury to domestic Domestic animals.
animals by death, disease, accident, or theft;

Fourth. To make insurance upon the health and lives of individ- Individuals.
uals, and against accidents of any and all kinds, and every insurance pertaining thereto, or connected with life risks, and to grant, purchase, or dispose of annuities;

Fifth. To make insurance on buildings or personal property Buildings against lightning, etc.
against destruction or damage by tornadoes or storms, and against destruction or damage by lightning when fire does not ensue.

(2915.) SEC. 2. Any company organized under this act shall Life insurance companies not to take other risks.
have power to make re-insurance upon any risks taken by them, respectively, and may make insurance upon any or all of the risks

mentioned in the first, second, third, and fifth subdivisions of the first section of this act; but no company making insurance upon the lives of individuals shall be permitted to take any other kind of risks; nor shall the business of life insurance be in any way connected or united in any company making insurance on marine and fire risks.¹

Statement filed.

(2916.) SEC. 3. Such persons, so associating, shall file in the office of the Secretary of State a statement, signed by all the corporators, stating their purpose of forming a company for the transaction of the business of insurance, as expressed in the several subdivisions of the first section of this act, which statement shall also comprise a copy of the charter proposed to be adopted by them, and shall publish a notice of such their intention, once in each week for at least four successive weeks, in a public newspaper in the county in which such company is proposed to be located.

What to state.

Stock companies to file statement and open subscription books.

(2917.) SEC. 4. The persons so associating, after having filed the statement and published the notice as aforesaid, may open books for the subscription to the capital of the company so proposed to be organized, and keep the same open till the whole amount specified in the charter shall be subscribed; or, in case the said company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions, and enter into agreements in manner hereinafter specified. But no company, organized on the plan of mutual insurance, and insuring against any of the risks mentioned in the first, second, third, or fifth subdivisions of section one of this act, shall hereafter do any business, or take any risks, or make any insurance in any more than two counties in this State, which counties, in the case of companies hereafter organized, shall be named and set forth in their charter, and in the statement required by section three to be filed in the office of the Secretary of State; and the president and secretary of every company heretofore organized, and making any insurance on the plan of mutual insurance, shall, within six months after the passage of this act, select the county or counties, not exceeding two, which shall be contiguous, in which such company will carry on business and make insurance, and shall make and sign a certificate of such selection, and affix the seal of the company thereto, and file the same in the office of the Secretary of State, and from thenceforth such company shall not make any insurance in any other county.¹

Mutual companies limited to two counties.

Names in charter.

Contiguous counties to be selected within six months.

After certifying and recording, shall do business in no other county.

¹ As amended by Act 208 of the Laws of 1867, p. 289. approved and took effect March 28, 1867.

(2918.) SEC. 5. The capital stock of any stock company organized under this act, shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased, by a vote of two-thirds of the stockholders, to not more than ten hundred thousand dollars; and one-third at least of the capital stock of every stock company shall consist of and be invested in the bonds or stocks of the United States or of this State, or in county, city, or other municipal bonds, which bonds, at their actual cash value in the market, shall at all times amount to at least one-third of the whole amount of the capital stock of the company. And no stock company shall issue any policy until the full amount of one hundred thousand dollars shall have been paid in by the stockholders, and invested or held in cash by said company; and no mutual insurance company, organized as aforesaid, shall commence business until *bona fide* agreements have been entered into for insurance with at least one hundred individuals, covering property to be insured to the amount of not less than fifty thousand dollars. At the time of the opening of the books for the subscription of stock in organizing a stock company, any person, corporation, or company may subscribe to the same, and shall pay, at the time of such subscription, the sum of two dollars per share on the stock by each subscribed. The books may be closed when the whole amount of capital stock is subscribed; and when a board of directors is elected, as hereinafter specified, the said persons so associating shall deliver to such board the books and money paid in upon such subscriptions as aforesaid.¹

Stock companies, capital, shares, increase of stock.

Where one-third must be invested

When policies may be issued.

When mutual companies may commence business.

On opening subscription books in stock companies.

When delivered to directors.

(2919.) SEC. 6. No stock company formed for transacting the business of life insurance shall commence business until a cash capital of one hundred thousand dollars shall have been paid in, and not less than seventy-five thousand or more than ninety thousand dollars of the same invested in the stocks of this State, or of the United States, or in bonds and mortgages on cultivated farms worth double the amount for which the same are mortgaged, the value of the land to be ascertained by three disinterested commissioners to be appointed by the board of supervisors of the county in which such company is located, the buildings to form no part of the valuation thereof: *Provided*, That no such company shall have on hand at any time less than ten thousand dollars in cash; and no mutual life insurance company formed as aforesaid shall commence issuing policies until they have received at least five hundred applications for insurance, on which the premiums shall

Capital of company.

Proviso.

¹ Vide note to section 2 of this act.

amount to three thousand dollars or over. They shall also provide in their charter for the acquiring of a stock capital, by each member paying annually into the fund for that purpose at least one dollar for each one thousand dollars he has insured by such company.¹

When companies may hold real estate.

(2920.) SEC. 7. No company organized under this act shall purchase, hold, or convey real estate, except as hereinafter set forth :

First. Such as shall be necessary for its immediate accommodation in transacting business ; or,

Second. Such as shall have been mortgaged to it in good faith by way of security for debts ; or,

Third. Such as shall have been conveyed to the company in satisfaction for debts ; or,

Fourth. Such as shall have been purchased at sales upon judgments, decrees, or mortgages, obtained or made for such debts, and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed within five years after the title has been perfected in such company.

Charter ; what it shall declare.

(2921.) SEC. 8. In addition to the foregoing provisions, it shall be the duty of the corporators of any company organized under the provisions of this act, to declare, in the charter which is hereby required to be filed, the mode and manner in which the corporate powers given under and by virtue of this act are to be exercised, the mode and manner of electing trustees or directors, a majority of whom shall be citizens of this State, and the filling of vacancies, the period for the commencement and termination of its fiscal year, together with the amount of capital to be employed in the transaction of its business, if it be a stock company. They may also provide in their charter for the division of the risks to be insured by the company, into two or more classes, according to the degree of hazard, or according to the nature or kind of risks to be effected, and if it be a mutual company, may prescribe therein the liabilities of the members thereof, to contribute toward defraying the losses and expenses of the company, and the mode and manner of collecting such contributions.

Evidence of investment, how ascertained.

(2922.) SEC. 9. The charter thus filed by the corporation shall be examined by the Attorney General, and if found to be in accordance with the requirements of this act, he shall certify the same to the Secretary of State, and said Secretary shall appoint three disinterested persons, residents of the county wherein such corpora-

¹ As amended by Act 977 of the Laws of 1865, p. 566, approved March 30, 1865.

tion is proposed to be formed, who shall certify under oath that a sum at least equal to the amount specified in the fifth section of this act, if it be a stock company, has been paid in and is possessed by it in money or stocks, bonds, and mortgages, as are required by the sixth section of this act, or if a mutual company, that it has received and is in actual possession of the capital, premiums, or engagements of insurance, as the case may be, to the full extent required by the fifth section of this act. Copies of such certificate shall be filed in the office of the Secretary of State, whose duty it shall then be to furnish the corporation with a certified copy of the charter and certificates aforesaid, which, upon being filed by them in the county clerk's office of the county in which such company is located, shall be their authority to commence business and issue policies, and the same may be used in evidence for or against such corporation.

Authority to
issue policies.

(2923.) SEC. 10. The corporators, or the trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the Constitution or laws of this State, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs.

Powers of corpo-
rators.

(2924.) SEC. 11. In case any mutual company under this act shall divide their risks into two or more classes, pursuant to section ten, then the person insuring in one class in said company shall in no event be held responsible for losses occurring in the other classes or class, and in case one class should at any time become insolvent, then such class may be proceeded against, and its affairs closed up, pursuant to the law in relation to insolvent corporations, and such insolvency shall in no manner affect the right of the directors to manage and conduct the other class or classes in the same manner as if no such insolvency had occurred.

One class not to
be responsible
for losses in
another class.

(5925.) SEC. 12. *First.* It shall be the duty of the president, or vice-president and secretary of each company organized under this act, annually, in the month of January, to prepare, under oath, and file in the office of the Secretary of State, a statement of the standing and condition of said company on the last day of December prior thereto, which statement, if it be a stock company, shall show the amount of the capital stock of the company, how much thereof has been paid in, and how and in what manner the same is invested, whether in bonds, stocks, mortgages, real or personal property, or how otherwise, and shall show—

Annual state-
ment under
oath.

Its contents.

The kind, amount, and cash market value of such stocks;

Stocks.

Bonds.	The date, amount, name of maker, and cash market value of each of such bonds;
Mortgages.	The date, amount, and name of the maker of every such mortgage, the amount, location, and cash value of the land covered thereby, and the place, book, and page where the same is recorded, and the amount of all prior liens and incumbrances, if any, on the lands covered by each mortgage;
Other securities.	The date, amount, nature, and name of maker, and cash market value of each and every other security in which any part of such capital is invested;
All other property.	The nature, kind, location, and cash value of all other property in which any such capital is invested;
Surplus.	How much surplus, if any, the company possesses, naming all its assets, including personal property and real estate, and whether
Doubtful assets.	any of such assets are believed to be bad or doubtful;
Cash premiums.	The amount of cash premiums received during the year, as a consideration for policies issued;
Losses and expenses.	The amount of losses and expenses paid during the year;
Description of claims for losses and debts.	And the amount of claims for losses and other debts existing against the company, showing what amount of claims for losses is then due, what amount has not matured according to the terms of the contract, and what amount thereof is resisted for any and what cause, or for which the company do not consider themselves legally liable;
Mutuals.	<i>Second.</i> Or if it be a mutual company, such report shall state and show—
Number of members.	The whole number of members belonging thereto;
New members.	The number of new members that have been added thereto during the year;
Risks.	The amount of property insured during the year, and the whole amount then at risk;
Premium notes.	The amount of premium or deposit notes taken during the year, and the whole amount of such notes then in force and held by the company;
Cash premiums.	The amount of cash premiums received during the year, and the total amount of such premiums then belonging to the company, and what amount of the same is in actual cash on hand;
Assessments levied.	The amount of assessments levied upon the members during the year;
Rate per cent.	The rate per cent of such assessments on the property insured, and the rate per cent of such assessments on the premium or

deposit notes, or other obligations upon which the assessments are made;

The amount collected and paid in on assessments made during the year, and what amount has been collected on assessments levied prior to that year, and the gross amount of assessments then outstanding and not canceled by the board of directors, the gross amount re-assessed for assessments not paid;

Collections of assessments.

The amount of losses paid during the year;

Losses paid.

The amount of interest and profits paid upon stock or guaranty capital during the year, and to whom paid, and how much to each person;

Interest paid on capital.

The amount of interest and profits that the company has become liable to pay on stock or guaranty capital during the year;

Liabilities of interest or profits.

The amount of salary and fees paid to each officer and director, and to whom paid;

Salaries.

The items and amount of all other expenses paid during the year;

Items of expenses.

The amount of all claims for losses and other debts existing against the company, showing what amount of claims and losses is then due and payable, what amount has not matured according to the terms of the contract, what amount is resisted for any cause, or for which the company do not consider themselves legally liable;

Claims for losses

The amount of stock or guaranty capital of the company, if any, and how and in what the same is invested, and of what the same consists, whether of notes, bonds, stocks, mortgages, or other securities, the date and amount and names and residence of each maker and signer of each of such notes, bonds, mortgages, and other securities, and the amount, value, and location of all lands covered by said mortgages, and the amount of all prior liens and incumbrances thereon, if any, and the place, book, and page where every such mortgage is recorded; and the value, kind, and amount of all such stocks, and the cash market value thereof, and of all other guaranty capital; the time when each and every part of such guaranty capital was withdrawn, and by whom withdrawn; the time when any new guaranty capital was put in, and the amount thereof, and by whom put in and owned, and all changes made in such capital during the year;

Description of stock or guaranty capital.

Third. A copy of every such sworn statement and report shall in said month of January be filed in the office of the county clerk of the county where the principal business office of the company is located, and another copy thereof shall be published at least twice during said month in a newspaper printed in such county;

Sworn statement to be filed in county clerk's office and published.

tracted or incurred by said corporation during the time they were stockholders, to the amount of all unpaid installments on stock held by them respectively, which liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned, not satisfied, against said company: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.¹

Chartered companies may organize under this act.

(2912.) SEC. 12. Any gas-light company organized and doing business under any special charter, may at any time, by a vote of two-thirds in interest of its stockholders, dissolve its organization, and organize under this act; and any company so organizing under this act shall have the right, in preference to any other company, to assume the name by which it was known in its former charter: *Provided*, It perfects its organization within sixty days after dissolving and throwing up its special charter; and after perfecting its organization under the provisions of this act, it shall be entitled to all the rights, privileges, and immunities therein contained.

Rights and liabilities of such new corporation.

(2913.) SEC. 13. All rights of creditors, and all liens upon the property of said company so dissolving its organization, shall be and hereby are preserved unimpaired; and said company shall continue to exist so far as may be necessary to enforce the same. And all debts, liabilities, and duties of said company shall thenceforth attach to such new corporation, and be enforced against it to the same extent, and in the same manner, as if such debts, liabilities, and duties had been originally incurred by it.

¹ As amended by act 60 of the Laws of 1869, p. 105, approved and took effect March 26, 1869. Section 2 of said amendatory act is as follows:

SEC. 2. This act shall not affect the liability of stockholders in such companies, incurred prior to the passage of this act.

CHAPTER XCVII.

INSURANCE COMPANIES.

An Act for the incorporation of insurance companies, and defining their powers and duties.

[Approved February 15, 1859. Laws of 1859, p. 1079.]

(2914.) SECTION 1. *The People of the State of Michigan enact,* Power to incorporate.
That any number of persons, not less than seven, may associate together and form an incorporated company for either of the following purposes, to wit:

First. To make insurance on dwelling-houses, stores, and all kinds of buildings, and upon household furniture, goods, wares and merchandise, and any other property, against loss or damage by fire ; Dwellings, stores, etc.

Second. To make insurance as aforesaid, upon vessels, freights, goods, wares, merchandise, and other property, against the risks of inland navigation and transportation ; Vessels, freights, etc.

Third. To make insurance against loss and injury to domestic animals by death, disease, accident, or theft ; Domestic animals.

Fourth. To make insurance upon the health and lives of individuals, and against accidents of any and all kinds, and every insurance pertaining thereto, or connected with life risks, and to grant, purchase, or dispose of annuities ; Individuals.

Fifth. To make insurance on buildings or personal property against destruction or damage by tornadoes or storms, and against destruction or damage by lightning when fire does not ensue. Buildings against lightning, etc.

(2915.) SEC. 2. Any company organized under this act shall have power to make re-insurance upon any risks taken by them, respectively, and may make insurance upon any or all of the risks Life insurance companies not to take other risks.

mentioned in the first, second, third, and fifth subdivisions of the first section of this act; but no company making insurance upon the lives of individuals shall be permitted to take any other kind of risks; nor shall the business of life insurance be in any way connected or united in any company making insurance on marine and fire risks.¹

Statement filed.

(2916.) SEC. 3. Such persons, so associating, shall file in the office of the Secretary of State a statement, signed by all the corporators, stating their purpose of forming a company for the transaction of the business of insurance, as expressed in the several subdivisions of the first section of this act, which statement shall also comprise a copy of the charter proposed to be adopted by them, and shall publish a notice of such their intention, once in each week for at least four successive weeks, in a public newspaper in the county in which such company is proposed to be located.

What to state.

Stock companies to file statement and open subscription books.

(2917.) SEC. 4. The persons so associating, after having filed the statement and published the notice as aforesaid, may open books for the subscription to the capital of the company so proposed to be organized, and keep the same open till the whole amount specified in the charter shall be subscribed; or, in case the said company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions, and enter into agreements in manner hereinafter specified. But no company, organized on the plan of mutual insurance, and insuring against any of the risks mentioned in the first, second, third, or fifth subdivisions of section one of this act, shall hereafter do any business, or take any risks, or make any insurance in any more than two counties in this State, which counties, in the case of companies hereafter organized, shall be named and set forth in their charter, and in the statement required by section three to be filed in the office of the Secretary of State; and the president and secretary of every company heretofore organized, and making any insurance on the plan of mutual insurance, shall, within six months after the passage of this act, select the county or counties, not exceeding two, which shall be contiguous, in which such company will carry on business and make insurance, and shall make and sign a certificate of such selection, and affix the seal of the company thereto, and file the same in the office of the Secretary of State, and from thenceforth such company shall not make any insurance in any other county.¹

Mutual companies limited to two counties.

Names in charter.

Contiguous counties to be selected within six months.

After certifying and recording, shall do business in no other county.

¹ As amended by Act 206 of the Laws of 1867, p. 259, approved and took effect March 28, 1867.

(2918.) SEC. 5. The capital stock of any stock company organized under this act, shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased, by a vote of two-thirds of the stockholders, to not more than ten hundred thousand dollars; and one-third at least of the capital stock of every stock company shall consist of and be invested in the bonds or stocks of the United States or of this State, or in county, city, or other municipal bonds, which bonds, at their actual cash value in the market, shall at all times amount to at least one-third of the whole amount of the capital stock of the company. And no stock company shall issue any policy until the full amount of one hundred thousand dollars shall have been paid in by the stockholders, and invested or held in cash by said company; and no mutual insurance company, organized as aforesaid, shall commence business until *bona fide* agreements have been entered into for insurance with at least one hundred individuals, covering property to be insured to the amount of not less than fifty thousand dollars. At the time of the opening of the books for the subscription of stock in organizing a stock company, any person, corporation, or company may subscribe to the same, and shall pay, at the time of such subscription, the sum of two dollars per share on the stock by each subscribed. The books may be closed when the whole amount of capital stock is subscribed; and when a board of directors is elected, as hereinafter specified, the said persons so associating shall deliver to such board the books and money paid in upon such subscriptions as aforesaid.¹

Stock companies, capital, shares, increase of stock.

Where one-third must be invested

When policies may be issued.

When mutual companies may commence business.

On opening subscription books in stock companies.

When delivered to directors.

(2919.) SEC. 6. No stock company formed for transacting the business of life insurance shall commence business until a cash capital of one hundred thousand dollars shall have been paid in, and not less than seventy-five thousand or more than ninety thousand dollars of the same invested in the stocks of this State, or of the United States, or in bonds and mortgages on cultivated farms worth double the amount for which the same are mortgaged, the value of the land to be ascertained by three disinterested commissioners to be appointed by the board of supervisors of the county in which such company is located, the buildings to form no part of the valuation thereof: *Provided*, That no such company shall have on hand at any time less than ten thousand dollars in cash; and no mutual life insurance company formed as aforesaid shall commence issuing policies until they have received at least five hundred applications for insurance, on which the premiums shall

Capital of company.

Proviso.

¹ Vide note to section 2 of this act.

amount to three thousand dollars or over. They shall also provide in their charter for the acquiring of a stock capital, by each member paying annually into the fund for that purpose at least one dollar for each one thousand dollars he has insured by such company.¹

When companies may hold real estate.

(2920.) SEC. 7. No company organized under this act shall purchase, hold, or convey real estate, except as hereinafter set forth :

First. Such as shall be necessary for its immediate accommodation in transacting business; or,

Second. Such as shall have been mortgaged to it in good faith by way of security for debts; or,

Third. Such as shall have been conveyed to the company in satisfaction for debts; or,

Fourth. Such as shall have been purchased at sales upon judgments, decrees, or mortgages, obtained or made for such debts, and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed within five years after the title has been perfected in such company.

Charter; what it shall declare.

(2921.) SEC. 8. In addition to the foregoing provisions, it shall be the duty of the corporators of any company organized under the provisions of this act, to declare, in the charter which is hereby required to be filed, the mode and manner in which the corporate powers given under and by virtue of this act are to be exercised, the mode and manner of electing trustees or directors, a majority of whom shall be citizens of this State, and the filling of vacancies, the period for the commencement and termination of its fiscal year, together with the amount of capital to be employed in the transaction of its business, if it be a stock company. They may also provide in their charter for the division of the risks to be insured by the company, into two or more classes, according to the degree of hazard, or according to the nature or kind of risks to be effected, and if it be a mutual company, may prescribe therein the liabilities of the members thereof, to contribute toward defraying the losses and expenses of the company, and the mode and manner of collecting such contributions.

Evidence of investment, how ascertained.

(2922.) SEC. 9. The charter thus filed by the corporation shall be examined by the Attorney General, and if found to be in accordance with the requirements of this act, he shall certify the same to the Secretary of State, and said Secretary shall appoint three disinterested persons, residents of the county wherein such corpora-

¹ As amended by Act 277 of the Laws of 1865, p. 566, approved March 30, 1865.

tion is proposed to be formed, who shall certify under oath that a sum at least equal to the amount specified in the fifth section of this act, if it be a stock company, has been paid in and is possessed by it in money or stocks, bonds, and mortgages, as are required by the sixth section of this act, or if a mutual company, that it has received and is in actual possession of the capital, premiums, or engagements of insurance, as the case may be, to the full extent required by the fifth section of this act. Copies of such certificate shall be filed in the office of the Secretary of State, whose duty it shall then be to furnish the corporation with a certified copy of the charter and certificates aforesaid, which, upon being filed by them in the county clerk's office of the county in which such company is located, shall be their authority to commence business and issue policies, and the same may be used in evidence for or against such corporation.

Authority to
issue policies.

(2923.) SEC. 10. The corporators, or the trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the Constitution or laws of this State, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs.

Powers of corpo-
rators.

(2924.) SEC. 11. In case any mutual company under this act shall divide their risks into two or more classes, pursuant to section ten, then the person insuring in one class in said company shall in no event be held responsible for losses occurring in the other classes or class, and in case one class should at any time become insolvent, then such class may be proceeded against, and its affairs closed up, pursuant to the law in relation to insolvent corporations, and such insolvency shall in no manner affect the right of the directors to manage and conduct the other class or classes in the same manner as if no such insolvency had occurred.

One class not to
be responsible
for losses in
another class.

(5925.) SEC. 12. *First.* It shall be the duty of the president, or vice-president and secretary of each company organized under this act, annually, in the month of January, to prepare, under oath, and file in the office of the Secretary of State, a statement of the standing and condition of said company on the last day of December prior thereto, which statement, if it be a stock company, shall show the amount of the capital stock of the company, how much thereof has been paid in, and how and in what manner the same is invested, whether in bonds, stocks, mortgages, real or personal property, or how otherwise, and shall show—

Annual state-
ment under
oath.

Its contents.

The kind, amount, and cash market value of such stocks;

Stocks.

Bonds.	The date, amount, name of maker, and cash market value of each of such bonds;
Mortgages.	The date, amount, and name of the maker of every such mortgage, the amount, location, and cash value of the land covered thereby, and the place, book, and page where the same is recorded, and the amount of all prior liens and incumbrances, if any, on the lands covered by each mortgage;
Other securities.	The date, amount, nature, and name of maker, and cash market value of each and every other security in which any part of such capital is invested;
All other property.	The nature, kind, location, and cash value of all other property in which any such capital is invested;
Surplus.	How much surplus, if any, the company possesses, naming all its assets, including personal property and real estate, and whether any of such assets are believed to be bad or doubtful;
Doubtful assets.	The amount of cash premiums received during the year, as a consideration for policies issued;
Cash premiums.	The amount of losses and expenses paid during the year;
Losses and expenses.	And the amount of claims for losses and other debts existing against the company, showing what amount of claims for losses is then due, what amount has not matured according to the terms of the contract, and what amount thereof is resisted for any and what cause, or for which the company do not consider themselves legally liable;
Description of claims for losses and debts.	
Mutuals.	<i>Second.</i> Or if it be a mutual company, such report shall state and show—
Number of members.	The whole number of members belonging thereto;
New members.	The number of new members that have been added thereto during the year;
Risks.	The amount of property insured during the year, and the whole amount then at risk;
Premium notes.	The amount of premium or deposit notes taken during the year, and the whole amount of such notes then in force and held by the company;
Cash premiums.	The amount of cash premiums received during the year, and the total amount of such premiums then belonging to the company, and what amount of the same is in actual cash on hand;
Assessments levied.	The amount of assessments levied upon the members during the year;
Rate per cent.	The rate per cent of such assessments on the property insured, and the rate per cent of such assessments on the premium or

deposit notes, or other obligations upon which the assessments are made;

The amount collected and paid in on assessments made during the year, and what amount has been collected on assessments levied prior to that year, and the gross amount of assessments then outstanding and not canceled by the board of directors, the gross amount re-assessed for assessments not paid;

Collections of assessments.

The amount of losses paid during the year;

Losses paid.

The amount of interest and profits paid upon stock or guaranty capital during the year, and to whom paid, and how much to each person;

Interest paid on capital.

The amount of interest and profits that the company has become liable to pay on stock or guaranty capital during the year;

Liabilities of interest or profits.

The amount of salary and fees paid to each officer and director, and to whom paid;

Salaries.

The items and amount of all other expenses paid during the year;

Items of expenses.

The amount of all claims for losses and other debts existing against the company, showing what amount of claims and losses is then due and payable, what amount has not matured according to the terms of the contract, what amount is resisted for any cause, or for which the company do not consider themselves legally liable;

Claims for losses

The amount of stock or guaranty capital of the company, if any, and how and in what the same is invested, and of what the same consists, whether of notes, bonds, stocks, mortgages, or other securities, the date and amount and names and residence of each maker and signer of each of such notes, bonds, mortgages, and other securities, and the amount, value, and location of all lands covered by said mortgages, and the amount of all prior liens and incumbrances thereon, if any, and the place, book, and page where every such mortgage is recorded; and the value, kind, and amount of all such stocks, and the cash market value thereof, and of all other guaranty capital; the time when each and every part of such guaranty capital was withdrawn, and by whom withdrawn; the time when any new guaranty capital was put in, and the amount thereof, and by whom put in and owned, and all changes made in such capital during the year;

Description of stock or guaranty capital.

Third. A copy of every such sworn statement and report shall in said month of January be filed in the office of the county clerk of the county where the principal business office of the company is located, and another copy thereof shall be published at least twice during said month in a newspaper printed in such county;

Sworn statement to be filed in county clerk's office and published.

Affidavit of persons sworn.

and the persons or officers making such sworn statement or report to be filed in the office of the Secretary of State, as aforesaid, shall make and annex thereto, and file therewith in the office of the Secretary of State, an additional affidavit, showing that such report and statement has been published, and a copy thereof filed in the office of the county clerk, as above provided ;

When capital is impaired 25 per cent.

Fourth. And if upon due examination it shall appear to the Secretary of State that the losses and expenses of any stock company during the year have exceeded the premiums, and in consequence thereof the capital of such company has become deficient, or from any other cause has become impaired to the extent of twenty-five per cent, it shall be the duty of said Secretary of State to serve a notice in writing upon the officers of such company, to discontinue the issuing of policies at the expiration of sixty days from the date of such notice, and proceed to wind up its business, unless within that time the stockholders thereof shall pay in the amount of such deficiency ;

Discontinue issuing policies unless deficiency is made up.

When solvency is doubted by Secretary of State.

Fifth. And if upon a like examination it shall appear to the Secretary of State that the losses and expenses of any company chartered under this act, on the plan of mutual insurance, have during the year exceeded the cash premiums and assessments collected, to such an extent as to imply a doubt in the mind of said Secretary of State as to the solvency of said company and its ability to pay all its losses and other debts, it shall be the duty of said Secretary of State to serve a like notice upon the officers of such mutual company, requiring them, at the expiration of sixty days from the date of such notice, to discontinue the issuing of policies, and proceed to wind up its business, unless within that time the directors of such company shall collect assessments and pay such losses and debts ;

Notified to wind up unless sufficient assets are collected.

Policies issued contrary to law.

Sixth. And in case any company, stock or mutual, shall continue to issue policies after the expiration of the sixty days, they having failed to comply with the requirements of the Secretary of State in said notice, or if any company, having failed to make their annual report to the Secretary of State at the time and in the manner herein prescribed therefor, shall thereafter issue any policy or make any insurance ; or if such report to the Secretary of State shall be imperfect, or contain false statements, or shall be so made as fraudulently to conceal the actual condition or responsibility of the company, the directors and officers of such company shall be, jointly and severally, personally liable and responsible for any losses that may thereafter occur in said company, or to any person insured

Report fraudulent or imperfect

therein or thereby; and the persons sustaining such losses may sue for and recover the amount of such losses from such directors and officers, or from any one or more of them;

Directors and officers personally responsible.

Seventh. It shall be the duty of the Secretary of State, on or before the first day of December in each year, to furnish all companies organized under this act, with blanks for the purpose of making thereon the statement hereby required to be filed, which blanks shall be used by the proper officers in making said statements, which statements shall be full and in accordance with the requirements heretofore set forth; and in case the officers or

Blanks for statements from Secretary of State.

directors of any company organized under this act, or the act or acts of which this is amendatory, shall fail, neglect, or refuse to perform any of the duties required of them by law, within the time and in the manner prescribed for the performance of such duty, or shall knowingly make or permit any false or imperfect statement to be made in any annual or other report or statement required to be made by them or by any of them, or by the company, to the Secretary of State, or shall do, or aid, or assist in doing anything which any such company is hereby prohibited from doing, or shall in any manner violate any of the provisions of this act, or shall aid in or consent to any violation of any of the provisions of this act, then and in every such case every director or officer, or

Failure to fill requirements of this law or violate in any way.

person so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars nor less than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment, in the discretion of the court; and when such failure, neglect, or refusal on the part of the officers of any company is known to the Secretary of State, it shall be his duty to notify the prosecuting attorney of the county where such company is located, whose duty it shall then be to commence legal proceedings against such officers to enforce the penalty hereby imposed.¹

Their guilt.

Penalty.

When neglect or refusal is known to Secretary of State.

(2926.) SEC. 13. Suits at law may be maintained by any corporation formed under this act, against any of its members or stockholders for any cause relating to the business of such corporation; also suits at law may be prosecuted and maintained by any member or stockholder against such corporation for losses which may have accrued, if payment is withheld more than sixty days after such losses shall have become due.

Suits; how prosecuted and maintained.

¹ Vide note to section 2 of this act.

Body corporate. (2927.) SEC. 14. All companies formed under this act shall be deemed bodies corporate and politic in fact and in name, and shall be subject to all the provisions of the statute in relation to corporations, so far as they are applicable.

Mutual companies may unite a guaranty capital. (2928.) SEC. 15. In pursuance of this act it shall be lawful for the directors of any mutual company organized under it, to unite a guaranty capital to any extent, as an additional security to the members, over and above the premiums, and premium or deposit notes, and the directors may allow interest on said capital, or a participation in the profits, and may prescribe the liability of the owner or owners thereof to share in the losses of the company: *Provided*, That said guaranty capital shall not be considered as in any manner changing the nature of the company from a mutual to a stock company, or as conferring upon mutual companies the power to issue stock or cash policies, which power is expressly denied and prohibited to all companies organized under this act on the plan of mutual insurance: *Provided further*, That nothing in this section shall be construed to interfere with or impair any rights already acquired by any company organized and now doing business under the provisions of the act hereby amended.¹

Not to interfere with companies organized. Companies may amend articles of association. (2929.) SEC. 16. Any such company formed under this act shall have the power to amend their articles of association or charter, at a meeting held according to the provisions of said charter or articles of association, upon giving a like notice of their intention so to do, and of the time and place of meeting for that purpose, as is required by section three of said act, and, also, in case said company is conducted on the plan of mutual insurance, mailing a circular notice thereof to each of the corporators at their last known postoffice address, at least three weeks before said meeting: *Provided*, That said amendments shall be submitted to the Attorney General, as provided in section nine of said act, and his certificate therein required be obtained; and said amendments shall be filed in the office of the Secretary of State.²

Mutuals' guaranty capital assessed pro rata for losses. (2930.) SEC. 17. In all cases where any company has been or shall be organized on the plan of mutual insurance under this act, or the act or acts of which this act is amendatory, and has acquired or united, or shall hereafter acquire or unite, a stock or guaranty capital as an additional security to the members over and above the premiums and premium or deposit notes, such stock or guaranty capital shall be assessed a *pro rata* share with the premium or

¹ Vide note to section 6.

² As added by Act 182 of the Laws of 1868, p. 138, approved and took effect March 18, 1868.

deposit notes held by the company for all sums assessed to pay the losses and expenses incurred by such company after this act shall take effect; and such stock or guaranty capital shall pay an equal *pro rata* share with such premium or deposit notes of all losses and expenses so incurred; and no interest shall be paid by any such company upon, nor any participation in the profits of the company be allowed or paid for or on account of any such stock or guaranty capital, or to the owners thereof, for or during the time that any assessment thereon shall remain unpaid; nor shall any such stock or guaranty capital be withdrawn by the owner thereof, or by any other person, from any such company after this act shall take effect, until all losses and expenses incurred by the company, or which the company has become liable to pay, at the time the withdrawal shall have been paid, nor until such capital so withdrawn has paid its just and full *pro rata* share of such losses and expenses; nor shall any such stock or guaranty capital be withdrawn from any such company after this shall take effect, except upon the order of the circuit court for the county in which the principal business office of the company is located, permitting such withdrawal, and upon it being made to appear to such court that all losses, liabilities, and expenses of the company, to the payment of which the capital sought to be withdrawn is liable to contribute by the provisions of this section, have been paid and discharged in full, and that such withdrawal will not jeopardize or impair the rights and claims of any member of, or person interested in, such company. Notice of the time and place of making application to the court for permission to withdraw any such capital stock, together with the reasons for such withdrawal, and the amount sought to be withdrawn, shall be given by publication, for not less than four successive weeks immediately preceding the application, in a newspaper published in said county; and any member of the company, or any person interested in, or having any claim against the same, may appear and oppose the granting of such order.¹

No interest till assessment is paid.

Guaranty capital cannot be withdrawn till losses and expenses are paid.

Till *pro rata* share of loss is paid, or without permit from circuit court.

Notice of withdrawal to be published.

(2931.) SEC. 18. In all cases where any company organized on the mutual plan has acquired or holds, or shall acquire or hold, any stock or guaranty capital, consisting of any stocks or bonds of any State or municipal or other corporation, the president and secretary of the company shall, within the thirty days next preceding the first day of January in each year, make and annex thereto their affidavits, showing the actual cash value in the market of such

Affidavit of cash value to be attached to stocks and bonds

¹ As amended by Act 208 of the Laws of 1887, p. 939, approved and took effect March 28, 1887.

That lands are worth twice the mortgage.

Of securities;.

No interest to be paid till affidavits are attached

False representations regarding capital stock

Every director and officer guilty

Premium or assessment received through false statements.

stocks and bonds; and if any part of such capital shall consist of mortgages, notes or other securities, the owners or members thereof shall, within the thirty days next preceding the first day of January in each year, make and attach to each mortgage an affidavit, showing that the lands covered by such mortgages are worth at least twice the amount secured by the mortgages, over and above all prior liens and incumbrances, and shall make and attach to each note or other security an affidavit, showing that the maker or other person liable to pay such note or security owns and holds, in his own name and right, property liable to execution, of the value, over and above all his other liabilities, of three times the amount of such note or security; and no such company shall pay any interest for or upon, or allow any participation in profits or representation for or on account of any stock or guaranty capital invested in or consisting of any such stocks, bonds, mortgages, notes, or other securities to which the affidavits herein required are not attached, and all such capital for the purpose of allowing interest thereon, or participation in profits on account thereof, shall be estimated and counted at no more than its actual cash value in the market.¹

(2932.) SEC. 19. If any stock company, or any company organized under the plan of mutual insurance under this act, or the act or acts of which this is amendatory, shall, by means of any advertisement, notice, or statement printed in any newspaper, or by means of any written or printed, or partly written and partly printed notice, circular, or handbill, or by any agent or other person acting for said company, or by any other means, falsely represent, publish, or hold out to the public, that the capital stock of such company, or the stock or guaranty capital of any such mutual company is greater or of a larger amount than the actual cash market value of such capital stock or guaranty capital, every director, officer, or agent of such company guilty of any participation therein shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section twelve; and if any such company, after any such false statement or representation notice, advertisement, or circular shall have been given out, circulated, or published, shall receive any money, note, or obligation for the payment of money, from any person, as a consideration for any insurance made, or policy issued or to be issued by such company, the directors, officers, or agents of such company shall be deemed to have obtained such money, note, or obligation by false pretenses, designedly, with intent to defraud or cheat the

¹ Vide note to section 17 of this act.

person paying such consideration, and shall be punished the same Penalty.
as persons guilty of obtaining property or money by false pretenses
designedly, with intent to defraud or cheat another, and shall also
be liable in damages to the person from whom the money, note, or Extent of liability.
obligation was obtained, in an action in the case for double the
amount of the money and note or obligation so obtained, and shall
also be jointly and severally liable to the person insured, to pay all
losses covered by such insurance: *Provided*, That the said com- Proviso.
pany may proceed with its business, receiving money, issuing
policies, whenever the circuit judge for the judicial district where
the office of said company is located shall certify, from proof
adduced before him, either that such publication was by mistake,
or that the directors, officers, or agents making the same have been
dismissed from the service of the said company, and whenever,
also, the said company shall publish such true statement of its
affairs as the said circuit judge shall direct.¹

(2933.) SEC. 20. If any mutual insurance company, organized When company does not pay all claims within ten days after receiving notice.
or to be organized under this act, or the act or acts of which this
is amendatory, shall not within sixty days after the Secretary of
State shall have given the notice required by section twelve of act
number two hundred and sixty-two of the Session Laws of eighteen
hundred and fifty-nine, pay up and discharge all outstanding
claims against such company, for losses by fire, it shall be the duty
of the Secretary of State to file a petition in the circuit court for Secretary of State's petition published.
any county where such company has transacted business, either in
vacation or term time, stating that the sixty days within which
such company was required to proceed to wind up its business
have expired, and that there are outstanding claims against such
company for losses by fire, a copy of which said petition shall be
published for three successive weeks in a public newspaper printed
in such county, or in any daily newspaper printed in the city of
Detroit.¹

(2934.) SEC. 21. At any time after such publication, the Secre- Application for, and appointment of a receiver.
tary of State may appear in said court, in person or by counsel, and
move for the appointment of a receiver for said company, and the
said company may also be heard, and upon such hearing the report
of such company filed in the office of the Secretary of State shall
be conclusive evidence of the facts therein stated, and of the lia-
bility of such company, unless such company shall show that they
have since paid and discharged the liabilities; and if upon the hear-

¹ Vide note to section 17 of this act.

Powers and duties.	ing thereof it shall appear to such court that the statements in such petition are materially true, the said court shall appoint a receiver for such company, who shall be and is hereby empowered to take possession of all books and papers and personal property of said company, and shall ascertain the amount due from said company for losses by fire on property insured, and shall at once proceed to assess upon all of the stockholders and persons insured in such company, such sums of money as will in the aggregate be sufficient to pay all the losses and liabilities of said company, together with the services and expenses of such receiver, according and in proportion to the amount of their insurance stock or interest in such company, in the classes wherein the losses occurred or liabilities arose, respectively ; and upon payment of such assessment the said stockholders shall be discharged of and from all former assessments made by such company ; and it shall be the duty of said receiver to give notice of such assessment by publishing in some weekly newspaper printed in the city of Detroit, once in each week for three successive weeks, a general notice, stating therein the aggregate amount assessed upon each of the classes in said company ; and, upon application, he shall furnish to any person assessed a statement showing the amount of his assessment ;
Assessment to pay losses.	and in case any stockholders, or person insured, so assessed, shall neglect for thirty days after such publication to pay the amount of such assessment to said receiver, he may sue for the same in the circuit court wherein he was appointed, and in such cases service may be made upon the persons sued in any county in the State ; or at his election the receiver may sue in the circuit court for the county wherein the person assessed, or who is liable to pay such assessment, may reside or be, in an action of debt or assumpsit, in his own name, as receiver of said company ; and upon such suit said assessment shall be <i>prima facie</i> evidence of the regularity and correctness of all proceedings up to and including the assessment, and of the receiver's right to recover therein the amount assessed, with costs. If the amount realized by such receiver from any class be insufficient to pay the losses and liabilities therein, and the services and expenses aforesaid, he shall proceed to make a second assessment, and such further or other assessments as may be necessary to realize the same, in the same manner and with the like effect as is herein provided for making the first assessment, and shall sue for and collect the same in the same manner. If, after
Notice.	paying the losses and liabilities of such company, or of any class thereof, and the services and expenses aforesaid, there shall remain
Collection.	
Second assessment may be made.	
Surplus refunded.	

any funds in the hands of the receiver, the same shall be paid back to the persons assessed in just and equal proportions to the sums contributed and paid by them.¹

(2935.) SEC. 22. Such receiver shall keep an accurate account of ^{Pay of receiver and account of receipts.} all moneys or other property received by him, and shall pay over all moneys by him collected, and the proceeds of all personal property *pro rata* upon said losses, after deducting therefrom for his services and expenses (if the court making such appointment shall deem the amount thereof reasonable). The court making such ^{Bond.} appointment may also require such receiver to give a bond, with sufficient sureties, in such penal sum as such court shall determine, which said bond shall run to the people of the State of Michigan, and be conditioned for the faithful discharge of his duties as such receiver (and be approved by the clerk or judge of said court), and ^{Reports.} said court may from time to time require such receiver to make a report, and upon the coming in of his final report, showing a full ^{Final report and discharge from liability.} and faithful performance of such trust, may discharge him from all further liability. This act shall be construed as applying to all receivers appointed under the act to which this is amendatory, as well as to receivers which may hereafter be appointed.¹

¹ Added by Act 208, Laws of 1867, p. 289, and amended by Act 171 of the Laws of 1871, p. 277, approved and took effect April 17, 1871.

¹ Vide note to section 21.

CHAPTER XCVIII.

LIFE INSURANCE COMPANIES.

An Act in relation to life insurance companies transacting business within this State.

[Approved March 30, 1869. Laws of 1869, p. 124.]

Thirteen persons
may form a com-
pany.

(2936.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than thirteen, may associate together and form an incorporated company for the purpose of making insurance upon the lives of individuals, and every insurance pertaining thereto, and to grant, purchase, and dispose of annuities. Every company organized under this act shall have authority to reinsure any risk herein authorized to be undertaken by them, and to grant reinsurance upon any similar risk undertaken by any other company, but shall not have power to undertake marine and fire risks, or any other species of insurance whatever, except upon lives, or to be in any way connected in their business with any company undertaking other risks than upon the lives of individuals.

Authority to re-
insure risks.

Confined to life
insurance exclu-
sively.

Articles ;
contents of.

(2937.) SEC. 2. The persons so associating shall subscribe articles of association, which shall contain—

Names, etc., of
associates.

First. The names of the associates, and their places of residence, respectively ;

Name.

Second. The name by which the corporation shall be known, and the place where its principal office for the transaction of business is to be established, and the period for which it is to be incorporated ;

Office.

Purposes.

Third. The purposes of the incorporation, as mentioned in the first section of this act ;

Fourth. The manner in which the corporate powers are to be exercised; the number of directors and other officers, and the manner of electing the same, and how many of the directors shall constitute a quorum, and the manner of filling all vacancies;

How powers to be exercised. Officers, how elected, etc.

Fifth. The amount of the capital stock, if any, and what proportion is to be paid in before the corporation shall commence business;

Capital stock.

Sixth. The time for the holding of the annual meetings of the corporation; and,

Annual meetings

Seventh. Any terms and conditions of membership therein which the corporators may have agreed upon, and which they may deem important to have set forth in such articles. And the said corporators shall publish a copy of said articles, with notice of their

Conditions of membership.

intention to become incorporated under the same, in some newspaper published in the county where their principal office is to be located, once in each week for at least four weeks before filing such articles as hereinafter provided; and, at the time of filing such articles, they shall also file with the Secretary of State proof of such publication.

Articles to be published.

Proof of same to be filed with Secretary of State.

(2938.) SEC. 3. The persons so associating shall, after having published such articles and notice, open books of subscription to the capital stock of the corporation, and keep the same open until the whole amount specified in the articles shall be subscribed; or, if said corporation is to transact business on the mutual plan, then they shall open books to receive propositions, and enter into agreements, as hereinafter specified.

Books of subscription.

(2939.) SEC. 4. The capital stock of any stock company organized under this act, shall not be less than one hundred thousand

Capital stock of stock companies to be \$100,000.

dollars, in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders present or represented at any regular meeting called for the purpose, to not more than five hundred thousand dollars; and no such stock com-

Shares \$50 each. How capital increased.

pany, and no company organized to do business on the mutual plan, shall be authorized to issue policies, or assume any risks

\$100,000 to be deposited with State Treasurer.

whatever, until they shall have deposited with the State Treasurer, as security for any liability to insured parties, stocks or bonds of this State or of the United States, to the amount, in par value, exclusive of interest, of not less than one hundred thousand dollars, which stock or bonds shall be retained by the State Treasurer, and disposed of as hereinafter directed: *Provided however,* That personal obligations, secured by first mortgages on real estate within this State, worth, exclusive of all buildings, at least double the amount of the lien, and bearing an interest of not less than seven

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per centum per annum, may be received by the State Treasurer, instead of bonds or stocks, to the amount of not exceeding fifty thousand dollars; but any examination by the State Treasurer, or under his direction, to satisfy him respecting the title or value of the property mortgaged, shall be at the expense of such company; and no mutual insurance company shall commence business by issuing policies until they shall have received at least five hundred applications for insurance, on which the premiums shall amount to at least five thousand dollars, nor until the examination by the Attorney General and commissioners, as hereinafter provided.

Articles to be approved by Attorney General.

Secretary of State to appoint examiners.

Certificate of said examiners.

Articles, where filed.

Authority to commence business.

Corporate existence; how proved.

(2940.) SEC. 5. The articles of association shall be submitted to the Attorney General for his examination, and if found by him to be in compliance with this act, he shall so certify to the Secretary of State, and the Secretary of State shall thereupon appoint three disinterested persons residing in the county where the principal business office of the corporation is proposed to be established, who shall certify, under oath, if they find such to be the fact, that the provisions in the articles of association, in respect to capital stock, as shown to them to have been fully complied with; and if the company is organized to do business on the mutual plan, that the company is in the actual possession of the applications for insurance, hereinbefore provided for, and that it was shown to them by the affidavit of the president and secretary of the company that such applications have been taken in good faith and not merely colorably, and that [such] officers believe it to [be] the intention of each of the applicants to receive and pay for policies thereon, when the company shall be prepared to issue the same. A copy of the articles of association, together with such certificate and affidavit, shall thereupon be filed with the Secretary of State, and another copy of the articles and a copy of such certificate and affidavit, with the county clerk of the county in which the company's principal office is to be established; and the filing of the same with such officers, and the deposit with State Treasurer of the stocks, or bonds, and mortgage securities, as hereinbefore provided, shall be the authority of the company to commence business and issue policies.

(2941.) SEC. 6. Whenever it shall be necessary, in any legal proceedings, to prove the corporate existence of any such company, a copy of the articles of association, with a certificate by the Secretary of State, attached, that such copy is a duplicate of the copy on file in his office; that the certificate and affidavit required to be filed by examining commissioners are also on file in his office,

and that it has been made to appear to him by the certificate of the proper county clerk that another copy of such articles has been duly filed in the office of such clerk, and by the certificate of the State Treasurer, that the securities required to be deposited with him have been deposited, shall be *prima facie* evidence of the corporate existence of the company; and except in proceedings by or under the authority of the State, to question its corporate right by information in the nature of a *quo warranto* or otherwise, shall be conclusive evidence of the authority of the company to issue policies and transact business as contemplated by its articles, until such authority has been terminated by the expiration of the term of incorporation, or on some one of the grounds hereinafter specified.

(2942.) SEC. 7. No company formed under this act shall purchase or hold any real estate, except—

Not to hold real estate, except as herein specified.

First. Such as shall be necessary for its immediate accommodation in transacting business; or,

Second. Such as shall have been conveyed or mortgaged to the company in good faith, by way of security for debts; or,

Third. Such as shall have been conveyed to the company in satisfaction for debts; or,

Fourth. Such as shall have been purchased at sales upon judgments, decrees, or mortgages in favor of such company, or held or owned by it; and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company.

(2943.) SEC. 8. The directors of any company organized under this act shall have power to make such by-laws, not inconsistent with the Constitution and laws of this State, or with their articles of association, as they may deem necessary for the government of the officers and members of the company, and the conduct of its affairs.

By-laws.

(2944.) SEC. 9. The bonds, or stocks, and mortgage securities deposited by any such company with the State Treasurer, shall be held by him as security for policy-holders in such company; but so long as it continues solvent, the company shall have the right, from time to time, to collect and receive the dividends or interest thereon, and to withdraw any of the same, on depositing with the State Treasurer other securities of the kinds specified, so that the amount in his hands for the security of policy-holders, at any time, shall not be less than one hundred thousand dollars, exclusive of interest. If at any time a claim shall be made against any such

Deposits with State Treasurer to be security for policy-holders.

When company may receive interest thereon.

When State Treasurer may proceed to sell stocks or bonds deposited, to satisfy claims unadjusted.

Company not to issue new policies until any deficiency in securities has been made good.

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Company required to deposit \$100,000 with State Treasurer.

Nature and conditions of the deposit.

Penalty for taking insurance before deposit is made.

company on one of its policies, and the same shall not be adjusted and paid, and the claimant shall recover judgment thereon against the company, the State Treasurer, on being served with an affidavit by the claimant or his attorney, setting forth the recovery of the judgment, and that the same has remained unpaid for three months, and that no proceedings are pending for the review or reversal of the same, shall proceed to sell, at the current market value, sufficient of the stocks or bonds, so deposited with him, to satisfy the amount of such judgment, together with one per centum for his services and expenses; or, if said stocks or bonds shall previously have been disposed of for the satisfaction of claims, then he shall proceed to collect sufficient of the mortgage securities to pay the amount of the claim mentioned in such affidavit, with his reasonable costs and expenses; and said company, after notice of the service of such affidavit, shall not be at liberty to issue any new policies until any deficiency of securities caused by the necessity of meeting such claims, shall have been made good by further deposit with the said State Treasurer of the like securities: *Provided however*, That if any such company shall become insolvent, and proceedings shall be taken in equity with a view to its dissolution, nothing in this section contained shall prevent an equal and just distribution of all its assets, including the securities so deposited with the State Treasurer, among the persons equitably entitled thereto.

(2945.) SEC. 10. No company organized or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section; and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guaranties, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty,

or pledge made, to be sued for and recovered in the name of the people, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent, or at his option from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided however,* That when, by the statutes of any other State, life insurance companies organized or doing business therein are required to keep on deposit with the State Treasurer, or other State officer, securities for the protection of policy-holders generally, and any such company shall furnish to the Secretary of State of this State the certificate of the proper officer of such other State, showing the amount and character of the securities so deposited with him, and it shall appear therefrom that the said securities are equal in market value and availability to one hundred thousand dollars of the interest-bearing bonds of this State, and that a portion equal in market value to fifty thousand dollars of the interest-bearing bonds of this State or [are] of State or United States bonds, and it shall further appear from the laws of such other State that the securities so deposited are subject to be made available to satisfy judgments of policy-holders in any manner corresponding to that provided for the care of securities deposited under this act, the Secretary of State shall thereupon be authorized to issue to such company an authority or license to transact the business of life insurance within this State, without any such deposit of securities with the State Treasurer of this State as is above provided.¹

Insured entitled to recover premiums paid in such case.

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Companies having like deposits in other States, may be admitted on certificate showing the same, etc

\$50,000 being in bonds.

And claims of policy-holders being made secure by law.

(2946.) SEC. 11. It shall be the duty of the president, or vice president and secretary, or actuary, or a majority of the directors or trustees of any life insurance company transacting business within this State, annually, in the month of January, to prepare, under oath, and deposit with the Secretary of State, a statement, showing—

Annual statements; contents of.

First. The number of policies issued during the year;

Number of policies.

Second. The amount of insurance effected thereby;

Amount of insurance.

Third. The amount of premiums received during the year, and what portion thereof was received within this State, or on risks upon the lives of persons resident therein;

Of premiums.

¹ As amended by Act 80 of the Laws of 1871, p. 108, approved and took effect April 5, 1871.

- Of interest. *Fourth.* The amount of interest and other receipts, specifying the items ;
- Of losses paid. *Fifth.* The amount of losses paid during the year ;
- Of losses unpaid
Of losses dis-
puted. *Sixth.* The amount of losses claimed which remain unpaid, and what portion thereof are disputed, and the ground on which the company disputes the same ;
- Expenses for
year. *Seventh.* The expenses for the year, stating separately the sum paid to officers as salary, fees, or other compensation ;
- Number of poli-
cies. *Eighth.* The whole number of policies in force ;
- Amount of risks
on same. *Ninth.* The amount of liabilities or risks on such policies, and of all other liabilities ;
- Of capital stock. *Tenth.* The amount of the capital stock, and how much thereof is paid in ;
- Of accumulation *Eleventh.* The amount of accumulation, specifying whether received upon insurance, annuities, or how otherwise ;
- Amount of as-
sets, and how
invested, and
cash value of
same. *Twelfth.* The amount of assets, and manner in which they are invested, specifying the amount in real estate, on bond and mortgage, stocks, loan on stocks, premium notes, or other securities, and the cash or market value thereof.
- Amount of divi-
dend declared. *Thirteenth.* The amount of dividend, if any, declared in favor of policy-holders, and what proportion thereof has been paid, and also the amount of dividend, if any, declared in favor of stock-holders, and what proportion thereof has been paid ;
- Statement of the
policies in force. *Fourteenth.* A tabular statement of the policies in force for the whole term of life, showing how many thereof for each age of life, and for what amount of risk, were issued or in force for the first year of the existence of the company, during the second year, and so on up to the time of making such statement ;
- Ibid. *Fifteenth.* A tabular statement of the policies in force for a shorter period than the whole term of life, showing how many thereof for each age of life, and for what amount of risk, were issued or in force during the first year of the existence of the company, during the second year, and so on up to the time of making such statement. And the Secretary of State shall prepare, and furnish to every company applying therefor, printed forms for the statements herein required ; and no company in default in making such statement shall receive any application or issue any policy of insurance while so in default, under a penalty of one hundred dollars for every such application or policy, to be recovered of the agent or officer taking or issuing the same, in the same manner that the penalties heretofore provided for are recovered ; and any person paying any premium money to such company, or to any
- Secretary of
State to furnish
forms for state-
ments.
Companies not
to issue policies
or receive appli-
cations while in
default of state-
ment.

agent thereof, upon application made, or policy issued, while the company is so in default, shall be entitled to recover the same from such company, or, at his option, from the agent securing the same, in an action of assumpsit. It shall be the duty of the Secretary of State to arrange the information contained in the statements required in this section, in tabular form, or abstracts, and so report the same annually to the Governor, and to cause the same to be published in pamphlet form.

Secretary of State to publish annual report.

(2947.) SEC. 12. Whenever the Secretary of State shall have reason to suspect the correctness of any annual statement, or that the affairs of the company making the same are in an unsound condition, it shall be his duty to cause an examination to be made into the books, papers, and securities of such company, at its expense, and for that purpose he shall be vested with power to examine under oath any of the officers or agents of such company, relative to the business and assets thereof, and to make any other or further inquiries necessary for obtaining full information of its condition; and if in his opinion the condition of the company is such as to render it improper that it should continue to issue policies in this State, he shall have the power to revoke the license of such company; and whenever he shall deem it for the public interest so to do, he shall publish the result of such investigation in such newspaper as he shall select, or if the company is one organized under the laws of this State, then in some newspaper published in the county where the principal business office of the company is located; and he shall call the attention of the Attorney General to the information obtained, whose duty it shall be to apply to the Supreme Court for an order requiring the company to show cause why their business within the State should not be closed; and such court may give direction for the hearing of the proofs and allegations of the parties; and in case it shall appear to the satisfaction of the court, from said proofs and allegations, that the assets and funds of the company are not sufficient to warrant its continuing to issue policies, the said court shall make an order prohibiting such company from issuing any further policies, and it shall thereupon become unlawful for the company, or any of its agents or officers, to receive any further applications, or to issue any further policies, or make any further contracts of insurance. The securities so deposited with the State Treasurer shall remain in his hands, notwithstanding the company may cease or be prohibited to do business within the State, and shall only be withdrawn on the order of the Supreme Court, or when the officers

Secretary of State may examine books, etc.

Also officers or agents, under oath.

May revoke license.

May publish result of investigation.

Attorney General to apply for order to close up home companies

When court may prohibit issuing policies.

Disposition of deposit in such cases.

When company may withdraw surplus securities.

of the company shall show by affidavit, to the satisfaction of the Secretary of State and State Treasurer, that the risks for which the company remains liable, and for the security of which the same are held, are less than the securities so deposited; in which case the company may be permitted to withdraw the surplus securities over and above the risks which then remain.¹

How corporate franchises, or right to transact business may be forfeited.

(2948.) SEC. 13. Any false statement in any report required to be made under this act, or any statement so made as fraudulently to conceal the real facts, if intentionally so made, shall, if the company be organized under the laws of this State, be cause of forfeiture of the corporate franchises; and if the company be organized under the laws of any other State or government, be cause of forfeiture of the right to transact business within this State; and such forfeitures may be declared by the Supreme Court, in any proper proceeding instituted by the Attorney General for the purpose; and any officer or agent guilty of any such false or fraudulent statement, or of any intentional violation of the provisions of this act, or who shall aid or abet others in any such violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment; and it shall be the duty of the Secretary of State to notify the prosecuting attorney of the proper county, of any offense under this act which may come to his knowledge, and it shall thereupon become the duty of such prosecuting attorney to cause proceedings to be taken for the punishment thereof.

Attorney General may institute proceeding for declaration of such forfeitures.

Penalties for violation of provisions of this act.

Secretary of State to notify prosecuting attorney.

Companies to be bodies corporate and politic.

(2949.) SEC. 14. All companies formed under this act shall be deemed bodies corporate and politic, and shall be subject to all the provisions of the general laws of this State regarding corporations, so far as the same may be applicable; and they may maintain all proper suits at law and in equity, against their members and stockholders, or any other person or persons, and be liable to be sued on any obligation they may have assumed, or for any loss which may have occurred, if payment for such loss is withheld more than sixty days after proofs thereof are furnished.

Amendments to articles; how made.

Notice of meeting.

(2950.) SEC. 15. Any company formed under this act shall have the power to amend its articles of association, at any regular meeting of the stockholders or members, called by the directors for that purpose. But notice of such meeting, and of the purpose for which it is called, shall be served on each of the stockholders, or, if

¹ Vide note to section 10 of this act.

it is a mutual company, on each of the members, either personally or by directing the same through the postoffice, to the last known postoffice address of such stockholder or member, at least three weeks previous to such meeting. But such amendments shall not take effect until submitted to the Attorney General, and certified by him not to conflict with the Constitution or laws of this State, nor until a copy thereof, signed by the president and secretary of the company, shall be filed in the office of the Secretary of State, and of the county clerk where the original articles are filed; and any company heretofore organized to transact the business of life insurance under any prior law of this State, may reorganize under this law, and have the benefit of all its provisions, by a vote of the stockholders, or, if it be a mutual company, then by a vote of the members called for that purpose, in pursuance of its present articles, on entering into new articles of association, signed by its charter officers, setting forth the particulars required by the second section of this act, and filing a copy of such articles with the Secretary of State and the proper county clerk, after such a certificate of the Attorney General has been obtained as is required when articles are amended; and such company, in so reorganizing, shall be at liberty to make any change in its mode of doing business, not inconsistent with the provisions of this act, and to increase its capital stock, or to retire any guaranteed capital stock, as the stockholders or members may see fit; but in so reorganizing, they shall be subject to all the provisions of this act in regard to the deposit of securities, and to all its other provisions, in the same manner and to the same extent as if such company had not previously had a corporate existence.

Amendments submitted to Attorney General.

Where filed.

How companies heretofore organized may receive benefits of this act.

(2951.) SEC. 16. All insurance companies insuring life within this State, and not deriving corporate existence from its laws, shall annually, at the time of filing their annual report with the Secretary of State, pay to the State Treasurer a tax of three per centum on all premiums received in cash or otherwise, by such companies or their agents within this State, or from insured parties residing therein during the preceding year; and in case of neglect or refusal of such company to pay such tax within ten days after the filing of such report, the State Treasurer may proceed to collect the same out of the interests or dividends on any securities that such company may have deposited with him, as hereinafter provided; and, in case no such securities are deposited, then it shall not be lawful for the company in default to receive any application for insurance, or to issue any policy,

Specific tax of three per cent to be paid by foreign companies.

When State Treasurer may collect tax.

until such tax is paid ; and any agent or officer receiving any such application, or issuing any such policy, while such default continues, shall be liable to a penalty of one hundred dollars, to be collected in the same manner with the other penalties hereinbefore provided.

Policies non-forfeiting.

(2952.) SEC. 17. No policy of insurance on life, issued after this act shall take effect, by any company organized under the laws of this State, shall be forfeited or become void by the non-payment of any premium thereon, after the first, any further than as follows :

Net value of policy ; how ascertained.

The net value of the policy when the premium becomes due and is not paid, shall be ascertained, according to the "American Experience Table" rate of mortality, with interest at four and one-half per centum per annum. Three-fourths of such net value shall be considered a net single premium of the whole life insurance, and the amount it will insure shall be determined according to the age of the party at the time when the unpaid premium became due, and the assumption aforesaid in regard to interest and rate of

When liability of company shall cease.

mortality ; but if no application be made to the company for such paid-up policy within one year after default shall have been made in payment, then all liability on the part of the company on the policy on which the party is in default, shall cease.

Companies to furnish data for determining liabilities and valuation of policies.

(2953.) SEC. 18. Every company doing a business of life insurance within this State shall annually, in the month of January, furnish to the Secretary of State the data necessary for determining the amount of all its liabilities and the valuation of all its outstanding policies, to be made by the Secretary of State, or under his authority ; and in making such valuation, the rate of interest to be assumed shall be four and one-half per centum per annum, and the rate of mortality shall be that established by the "American Experience Life Table," as shown in the schedule hereto annexed ; and such company shall pay to the Secretary of State, as a compensation for such estimate, one cent for each thousand dollars insured : *Provided*, That where, by the laws of any other State, an annual valuation is required to be made by an Insurance Commissioner or other State officer, the official certificate of any such Commissioner or officer, being filed with the Secretary of State, and showing the annual official valuation of the policies of any company doing business within such State, and showing also the basis of such valuation, shall be sufficient, and stand in the place of any valuation of the policies of such company by or under the directions of the Secretary of State of this State ; but no company shall be permitted to transact business within this State unless the

Rate of interest assumed in valuation.
Rate of mortality.

Compensation.

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amount of its assets shall equal the net value of all its outstanding obligations, as determined according to the assumptions in regard to rates of interest and mortality as hereinbefore provided; and in case the assets of any company transacting business within this State shall at any time be less than is required by the provisions of this act, the Secretary of State shall serve a written notice upon the person designated by such company to receive service of process under the laws of this State, or shall address such notice by mail, to the principal office of such company, and publish the same at least three times in some newspaper circulated daily in this State; and if, after the expiration of ten days from the service or publication of such notice, any agent or officer of such company shall receive applications for policies, or issue policies, while such deficiency of assets exists, and the costs of giving such notice remains unpaid by such company, he shall be subject to the penalties provided in section ten of this act: *Provided further*, That when the certificate of the Secretary of State of the official valuation of the policies issued by any company organized under the laws of this State, shall not be accepted by any other State in lieu of a valuation of the same by the insurance officer of such other State, then all companies organized under the laws of such other State shall be required to have a separate valuation made under the authority of the Secretary of State of this State, as herein provided.

Amount of assets must equal net value of obligations.

Otherwise Secretary of State shall serve notice upon agent or the company.

While such deficiency exists, companies shall not receive applications, etc.

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(2954.) SEC. 19. If any company insuring life within this State shall, by means of any advertisement, circular, notice, or statement, printed or written, published, posted, or circulated through and by the agency of any officer, agent, or other person, or by any other means, falsely represent or hold out to the public that the capital stock of such company is greater than its actual amount, or that the accumulation of such company is greater than its actual cash or market value, every director, officer, or agent of such company guilty of any participation therein shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court; and if any such company, after any such false advertisement, circular, notice, or statement shall have been published, posted, or circulated, shall receive any money, note, or obligation for the payment of money, from any person, as a consideration for any insurance made, or policy issued or to be issued, by such company, such money, note, or obligation shall be deemed and taken to have been

False representation of amount of capital.

Penalties therefor.

Recovery of money, note, etc., when false representations have been made.

False statements
sufficient ground
for proceedings
by Attorney
General.

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Protection of
companies
against false
statements by
medical examiners.

Penalties.

Mortgages to be
assigned to State
Treasurer in his
name of office.

When may en-
force same.

Custody of se-
curities by State
Treasurer deem-
ed custody of the
State.

received without consideration; and the directors of such company, and any officer or agent receiving the same, shall be jointly and severally liable in an action of assumpsit for the re-payment thereof, and shall also, in like manner, be liable to the person insured, for the amount of the insurance. And any such false advertisement, circular, notice, or statement shall be sufficient ground for proceedings on the part of the Attorney General, in the Supreme Court, for a forfeiture of the chartered privileges of such company, or for an order prohibiting the further transaction of business by it within this State: *Provided*, That no such forfeiture shall be declared on that ground, solely, if it shall appear either that the publication was by mistake, or that the directors, officers, or agents making the same have been dismissed from the service of such company, and that the company has published such true statement of its affairs as may have been directed by the Attorney General, or such court.

(2955.) SEC. 20. Any physician who, as medical examiner for any such company, or as the reference of or medical examiner for any person seeking insurance therein, shall knowingly make any false statement or report to the company, or any officer thereof, concerning the bodily health or condition of any applicant for insurance, or concerning any other matter or thing which might affect the propriety or prudence of granting such insurance, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding one thousand dollars, or to imprisonment in the county jail not exceeding three months, in the discretion of the court, and he shall also be liable to the company in an action on the case for the full amount of any insurance obtained from such company by means or through the assistance of such false statement or report.

(2956.) SEC. 21. The mortgages authorized to be deposited with the State Treasurer, under this act, shall be made or assigned to him in his name of office, but shall not be subject to assignment or sale by him, except as the company depositing the same may become entitled to receive the same back according to the conditions of this act; but said State Treasurer may enforce the same in his name of office, whenever necessary to pay claims as hereinbefore provided. The custody of any securities by the State Treasurer under this act shall be deemed the custody of the State; and any sale, transfer by hypothecation, or conversion of any such securities by the State Treasurer, or by any officer, clerk, or other person employed in his office, except as authorized by this act,

shall be deemed an act of embezzlement, and shall be punished by imprisonment in the State Prison not more than fourteen years, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

(2957.) SEC. 22. The business of insuring lives within this State, by any private individual, association, or partnership, or by any incorporated company organized or existing under any authority whatsoever, other than the statutes of this State, is hereby, except as is provided by this act, wholly prohibited; and any person who shall solicit or obtain, within this State, applications for insurance upon lives by any such private individual, association, partnership, or incorporated company, contrary to the provisions of this act, shall be liable to a penalty of one hundred dollars for every application obtained, to be sued for and recovered in the name of the people, by the Attorney General or prosecuting attorney of the proper county, either by action of debt or criminal prosecution; and any person who shall have paid to any agent of such unauthorized individual, association, partnership, or company, any premium moneys for insurance granted or to be granted, shall be entitled to recover the same back from such agent or, at his option, from the person, association, partnership, or company for which he acted, by action of assumpsit, to be brought at any time within six years after such payment.

Wholly prohibiting the business of life insurance, except as provided by statutes of this State.

Penalties for violation.

Action may be brought within six years.

(2958.) SEC. 23. It shall be lawful for any husband to insure his life for the benefit of his wife, and for any father to insure his life for the benefit of his children, or of any one or more of them; and in case that any money shall become payable under the insurance, the same shall be payable to the person or persons for whose benefit the insurance was procured, his, her, or their representatives or assigns, for his, her or their own use and benefit, free from all claims of the representatives of such husband or father, or of any of his creditors; and any married woman, either in her own name or in the name of any third person as her trustee, may cause to be insured the life of her husband, or of any other person, for any definite period, or for the term of life, and the moneys that may become payable on the contract of insurance, shall be payable to her, her representatives or assigns, free from the claims of the representatives of the husband, or of such other person insured, or of any of his creditors; and in any contract of insurance, it shall be lawful to provide that on the decease of the person for whose benefit it is obtained, before the sum insured shall become payable, the benefit thereof shall accrue to any other per-

Husband may insure for benefit of wife or children.

Insurance free from all claims of creditors.

Married women may insure for benefit of husband.

son or persons designated; and such other person or persons shall, on the happening of such contingency, become the lawful owner or owners of the policy of insurance, and entitled to enforce the same to the full extent of its terms, notwithstanding he, she, or they may not at the time have any such insurable interest as would have enabled him, her, or them to obtain a new insurance.

Corporations organized under this act, to receive benefit of any amendments made to Constitution.

Proceedings to secure such benefit.

Effect on companies' policies and contracts.

When officers of corporation to be trustees for certain purposes.

(2959.) SEC. 24. In case any amendment to the Constitution shall hereafter be adopted which shall authorize such corporations to organize for perpetual existence, or for any period longer than that now permitted, any corporation that may be formed or re-organized under this act shall, by a vote of the stockholders or members to that effect, adopted at any annual meeting, or at any special meeting duly called for the purpose, be entitled to the benefit of such constitutional amendment; and its corporate existence shall thereupon and thereby be extended for the period specified in such vote, within the limits of such amendment; and all the contracts and policies of the corporation shall be as valid, binding, and effectual, for all purposes, as if the original term of corporate existence had been the same as prescribed by such vote for the extension thereof.

(2960.) SEC. 25. In case no such constitutional amendment shall be adopted during the corporate existence of any company organized under this law, and in case the stockholders or members thereof shall not, before the expiration of such corporate existence, organize a new corporation for the same purposes, on the basis of receiving the assets of the old corporation and assuming the performance of all its existing contracts and policies, the officers of such corporation, at the expiration of its corporate life, shall be trustees for the purpose of keeping its funds invested for the security of policy-holders, settling its affairs, and fulfilling and discharging its obligations, and as such, shall be under the control and direction of the proper circuit court in chancery, or other equity court, as in the case of other trustees; but the officers of such corporation shall not, at the time of the termination of the corporate existence, or in anticipation thereof, make or declare any dividend, or, except in satisfaction of the demands of creditors or policy-holders, make any other disposition of the assets of the corporation, or of any part thereof, which shall leave the available amount of such assets below the amount of existing debts and of the net value of outstanding policies, to be determined as hereinbefore provided; and any such attempted dividend or distribution

shall be void, and may be enjoined on the application of the Secretary of State; and such officers, before entering upon their duties as such trustees, shall give bond to the people of the State to the satisfaction of the Secretary of State, and to be filed with him, conditioned for the faithful discharge of their duties as such; and they shall be at all times subject to the supervision of the Secretary of State, in the same manner that corporations are under the provisions of this act; but such trustees shall not be at liberty to make dividends among stockholders, nor to members, unless in reduction of premiums on outstanding policies, except under the order of the proper court of equity; nor shall such court be at liberty to order any such dividends as shall at any time reduce the available assets of the company below the amount of existing debts and the net value of outstanding policies, to be determined as hereinbefore provided.

Trustees to give bonds.

(2961.) SEC. 26. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Acts repealed.

(2962.) SEC. 27. That every life insurance company not organized under the statutes of this State shall, as a condition precedent to doing business in this State, appoint an agent or attorney resident therein, upon whom all lawful process against the company may be served with the like effect as if served upon the company in the manner provided by law; and said appointment shall stipulate and agree, on the part of the company making the same, that service of lawful process against such company upon such agent or attorney shall be valid service upon such company. A copy of such appointment, duly authenticated, shall be filed with the Secretary of State, and shall not be revoked until the same power is given to another resident, and a like copy filed as aforesaid. Service upon such agent or attorney shall be deemed sufficient service upon the company.¹

Every company to appoint attorney before commencing business.

Copy of appointment to be filed with Secretary of State.

(2963.) SEC. 28. That whenever the existing or future laws of any other State of the United States shall require of life insurance companies incorporated or organized under the laws of this State, and having agencies in such other State, or of the agents thereof, any payment for taxes, fines, penalties, certificates of authority, license, or other fees, greater than the amount required for such purposes from similar companies of other States by the then exist-

When companies of other States shall pay extra taxes, fines, etc.

¹ As added by Act 80 of the Laws of 1871, p. 108, approved and took effect April 5, 1871.

ing laws of this State, then, and in every such case, all life insurance companies establishing or having heretofore [theretofore] established agencies in this State, shall be required to pay for taxes, fines, penalties, certificates of authority, license, or other fees, an amount equal to the amount of such charges and payments imposed by the laws of such other State upon the companies of this State and the agents thereof.¹

Life insurance companies defined.

(2964.) SEC. 29. That all corporations, associations, partnerships, or individuals doing business in this State under any charter, compact, agreement, or statute of this or any other State, involving an insurance, guaranty, contract, or pledge for the payment of annuities or endowments, or for the payment of moneys to families, or representatives of policy or certificate holders or members, shall be considered and deemed to be life insurance companies within the meaning of the laws relating to life insurance within this State, and shall not make any such insurance, guaranty, contract, or pledge therein, or to or with any citizen or resident of this State, until the securities required of life insurance companies are deposited, nor except in accordance with and under the conditions and restrictions of the statutes now or hereafter regulating the business

Condition precedent to doing business.

Penalty for violations.

of life insurance. And any person soliciting applications for insurance, or making any such insurance, guaranty, contract, or pledge as aforesaid, before the deposit of such securities, or before compliance with any condition precedent provided by the laws of this State for life insurance companies, shall be liable to a penalty of one hundred dollars for every application obtained, or insurance, guaranty, contract, or pledge made, to be sued for and recovered in the name of the people by the Attorney General or prosecuting attorney of the proper county, either by action of debt or criminal prosecution; and any person who may have paid moneys therefor shall be entitled to recover the same back from the person to whom it was paid, or in case such person was an agent, then at his option from the principal of such agent, by action of assumpsit, to be brought at any time within six years after such payment.¹

Insured to recover premiums paid.

¹ As added by Act 80 of the Laws of 1871, p. 108, approved and took effect April 5, 1871.

SCHEDULE.

TABLE of Mortality, based on American Experience.

Age.	Numbers living.	Numbers dying.	Expectation of life.	Age.	Numbers living.	Numbers dying.	Expectation of life.	Age.	Numbers living.	Numbers dying.	Expectation of life.
10	100,000	749	48.72	89	78,862	756	23.90	68	43,188	2,248	9.48
11	99,251	746	48.08	40	76,196	765	28.18	69	40,890	2,321	8.98
12	98,505	743	47.44	41	77,841	774	27.45	70	38,569	2,391	8.48
13	97,762	740	46.82	42	76,567	785	26.72	71	36,173	2,448	8.00
14	97,022	737	46.16	43	75,782	797	25.99	72	33,780	2,487	7.54
15	96,285	735	45.50	44	74,985	819	25.27	73	31,243	2,505	7.10
16	95,560	732	44.85	45	74,178	828	24.54	74	28,788	2,501	6.68
17	94,818	729	44.19	46	73,845	848	23.80	75	26,337	2,476	6.28
18	94,089	727	43.58	47	72,497	870	23.08	76	23,761	2,481	5.88
19	93,362	725	42.87	48	71,627	896	22.36	77	21,380	2,369	5.48
20	92,637	723	42.20	49	70,731	927	21.68	78	18,961	2,291	5.10
21	91,914	722	41.58	50	69,804	962	20.91	79	16,670	2,196	4.74
22	91,192	721	40.85	51	68,842	1,001	20.20	80	14,474	2,091	4.38
23	90,471	720	40.17	52	67,841	1,044	19.49	81	12,338	1,964	4.04
24	89,751	719	39.49	53	66,797	1,091	18.79	82	10,419	1,816	3.71
25	89,032	718	38.81	54	65,706	1,143	18.09	83	8,608	1,643	3.30
26	88,314	718	38.11	55	64,568	1,199	17.40	84	6,955	1,470	3.08
27	87,596	718	37.43	56	63,364	1,260	16.72	85	5,485	1,292	2.77
28	86,878	718	36.78	57	62,104	1,325	16.05	86	4,198	1,114	2.47
29	86,160	719	36.08	58	60,779	1,394	15.39	87	3,079	983	2.19
30	85,441	720	35.38	59	59,385	1,465	14.74	88	2,146	744	1.98
31	84,721	721	34.62	60	57,917	1,546	14.09	89	1,402	555	1.69
32	84,000	723	33.92	61	56,371	1,628	13.47	90	847	385	1.42
33	83,277	726	33.21	62	54,748	1,713	12.86	91	463	246	1.19
34	82,551	729	32.50	63	53,080	1,800	12.26	92	216	137	.98
35	81,822	732	31.78	64	51,280	1,889	11.68	93	79	53	.80
36	81,090	737	31.07	65	49,341	1,980	11.10	94	21	13	.64
37	80,358	742	30.35	66	47,361	2,070	10.54	95	3	3	.50
38	79,611	749	29.62	67	45,291	2,158	10.00	-----	-----	-----	-----

CHAPTER XCIX.

FIRE AND MARINE INSURANCE COMPANIES.

An Act relative to the organization and powers of fire and marine insurance companies transacting business within this State.

[Approved April 3, 1869. Laws of 1869, p. 230.]

- Formation of company.** (2965.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than seven, may associate together and form an incorporated company for either of the following purposes, to wit:
- To make insurance on buildings, furniture, goods, etc.** *First.* To make insurance on dwelling-houses, stores, and all kinds of buildings, and upon household furniture, goods, wares, and merchandis, and any other property, against loss or damage by fire;
- On vessels, freight, etc.** *Second.* To make insurance as aforesaid upon vessels, freights, goods, wares, merchandise, and other property, against the risks of inland navigation and transportation.
- Power to re-insure.** (2966.) SEC. 2. Any company organized under this act shall have power to affect re-insurance of any risks taken by them, respectively.
- Declaration of intention to form company, with copy of articles, filed with Secretary of State.** (2967.) SEC. 3. Such persons shall file in the office of the Secretary of State a declaration, signed by them, expressing their intention to form a company for the purpose of transacting the business of insurance, as expressed in the first section of this act, which declaration shall also comprise a copy of the articles of association proposed to be adopted by them, and shall publish a notice of such

intention, once in each week, for at least six weeks, in a public newspaper in the county in which such insurance company is proposed to be located.

Publication of
notice.

(2968.) SEC. 4. The articles of association shall set forth the name of the company; the place where the principal office for the transaction of its business shall be located; the mode and manner in which the corporate powers granted by this act are to be exercised; the mode and manner of electing trustees or directors, a majority of whom shall be citizens of this State; and of filling vacancies (but each director of a stock company shall be the owner in his own right of at least five hundred dollars' worth of the stock of such company, at its par value); the period for the commencement and termination of its fiscal year, and the amount of capital to be employed in the transaction of its business; and the Secretary of State shall have the right to reject any name or title of any company applied for, when he shall deem the name too similar to one already appropriated, or likely to mislead the public in any respect.

Articles;
contents of.

Secretary of
State may reject
name.

(2969.) SEC. 5. No company formed under this act shall, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise, or other commodities whatever, excepting such articles as may have been insured by such company, and are claimed to be damaged by fire or water.

Prohibiting
companies from
dealing in goods,
etc.

(2970.) SEC. 6. The capital stock of any stock company organized under this act shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased, by a vote of two-thirds of the stockholders, to not more than one million dollars; nor shall any company hereafter organized on the plan of mutual insurance commence business in this State until agreements have been entered into for insurance with at least two hundred applicants, the premiums upon which shall amount to not less than twenty-five thousand dollars, of which at least five thousand dollars shall have been paid in actual cash, and for the remainder of which notes of solvent parties, founded upon actual and *bona fide* applications for insurance, shall have been received. No one of the notes received as aforesaid shall amount to more than five hundred dollars; and no two thereof shall be given for the same risk, or made by the same person or firm, except where the whole amount of such notes does not exceed the sum of five hundred dollars; nor shall any note be regarded or represented as capital stock unless a policy to be issued upon the same within thirty days after the organization of the company

Amount of
capital stock.

How increased.

How mutual
companies may
organize.

Amount of notes
limited.

When notes may
be regarded as
capital stock.

Notes payable when directors deem requisite.

Provision regarding notes accepted as capital stock.

Not to be surrendered while policy is in force.

Mutual companies limited to two counties.

Fire insurance companies doing business in this State.

Risks limited.

Book of subscription, when to be opened by proposed stock companies.

Mutual companies.

taking the same, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable, in whole or in part, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as may be necessary for transacting the business of said company; and no note shall be accepted as part of such capital stock unless the same shall be accompanied by a certificate of the clerk of the circuit court of the county in which the person executing such note shall reside, that the person making the same is, in his opinion, pecuniarily good and responsible for the same in property not exempt from execution by the laws of this State; and no such note shall be surrendered while the policy for which it was given continues in force. But no company organized on the plan of mutual insurance, and insuring against any other risks mentioned in section one of this act, shall hereafter do any business, or take any risks, or make any insurance, in any more than two counties in this State, which counties shall be contiguous, and which counties, in the case of companies hereafter organized, shall be named and set forth in their articles of association, and in the statement required by section three to be filed in the office of the Secretary of State. No fire insurance company organized under this act, or transacting business in this State, shall expose itself to any loss on any one fire or inland navigation risk or hazard, to an amount exceeding ten per cent of its paid-up capital, nor shall any fire insurance company organized under the laws or by authority of any foreign government expose itself to any loss on any one fire or inland navigation risk or hazard, to an amount exceeding ten per cent of its deposit capital in the United States.¹

(2971.) SEC. 7. It shall and may be lawful for the individuals associated for the purpose of organizing any company under this act, after having published the notice and filed their declaration and a copy of their articles of association, as required by the third section of this act, and also on filing in the office of the Secretary of State proof of such publication, by the affidavit of the publisher of such newspaper, his foreman or clerk, to open books for subscription to the capital stock of the company so intended to be organized, and to keep the same open until the full amount specified in the articles of association is subscribed; or, in case the business of such company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions.

¹ As amended by Act 92 of the Laws of 1971, p. 182, approved and took effect April 12, 1971.

and enter into agreements, in the manner and to the extent specified in the sixth section of this act.

(2972.) SEC. 8. It shall be lawful for any fire insurance company organized under this act, or incorporated under any law of this State, to invest its capital, and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on unincumbered improved real estate within the State of Michigan, worth double the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company. Said mortgages shall not, however, be accounted a part of the capital stock of a company until they shall have been recorded agreeable to the provisions of law, and a certificate thereof from the register of deeds filed with the Secretary of State, together with an abstract of title of the lands therein mortgaged, and also a certificate of the register of deeds of the county in which the lands are located, that the same are worth at least double the amount loaned thereon; and also in the bonds of this State, or bonds or treasury notes of the United States, and also in the bonds of any county, municipality, or school district in this State authorized to be issued by law, and to lend the same or any part thereof, on the security of such bonds, or treasury notes, or upon bonds and mortgages as aforesaid, and to change and reinvest the same as occasion may from time to time require.

Capital and funds may be invested in bonds and mortgages of this State.

Mortgages to be recorded.

Certificate of register of deeds, etc., to be filed with Secretary of State.

May also invest in bonds of United States, or county or municipal bonds of this State.

(2973.) SEC. 9. No company formed under this act shall purchase or hold any real estate, except—

What real estate companies may purchase, etc.

First. Such as shall be necessary for its immediate accommodation in transacting business; or,

Second. Such as shall have been conveyed or mortgaged to the company in good faith, by way of security for debts; or,

Third. Such as shall have been conveyed to the company in satisfaction for debts; or,

Fourth. Such as shall have been purchased at sales, upon judgments, decrees, or mortgages in favor of such company, or held or owned by it. And all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company, unless the company shall procure a certificate from the Secretary of State that the interest of said company will materially suffer by forced sale, in which event the sale may be postponed for such period as the said Secretary of State shall direct in said certificate, not to exceed ten years in all.

How long certain real estate may be held.

Attorney General to examine articles, etc., and certify to Secretary of State.

Secretary of State to make examination, etc.

Certificate of result.

If a mutual company.

Return of name, etc., of maker of premium note.

Certificate of incorporators to Secretary of State.

Authority to commence business.

Effect of certified copies.

By-laws; power of trustees or directors to make or amend.

(2974.) SEC. 10. The articles of association, and proof of publication, herein required to be filed by every such company, shall be examined by the Attorney General, and if found conformable to this act, and not inconsistent with the Constitution and laws of this State, shall be certified by him to the Secretary of State, who shall thereupon make an examination, or cause one to be made by some disinterested person officially appointed by him for that purpose; and if it shall be found (if the examination be made by other than the Secretary of State, then the finding shall be certified under oath) that the capital herein required of the company named, according to the nature of the business proposed to be transacted by such company, has been paid in, and that it is possessed of such securities as is required by the eighth section of this act, then he shall so certify; and if the examination be made by other than the Secretary of State, then the finding shall be certified under oath, or if it is proposed to be a mutual insurance company, that it has received and is in actual possession of the capital, premiums, or *bona fide* engagements of insurance or other securities, as the case may be, to the extent and value required by the sixth section of this act. The name and residence of the maker of each premium note forming part of the capital of any such proposed mutual insurance company, and the amount of such note, shall be returned to the Secretary of State. The incorporators or officers of any such company or proposed company, contemplated by this act, shall be required to certify under oath to the Secretary of State that the capital exhibited to the person making the examination directed in this section, was *bona fide* property of the company so examined. Such certificates shall be filed in the office of the said Secretary of State, who shall thereupon deliver to such company a certified copy of the articles of association, and of said certificates, which, on being filed in the office of the clerk of the county where the company is to be located, shall be their authority to commence business and issue policies; and such certified copy of the articles of association, and of said certificates, may be used in evidence for or against said company, with the same effect as the originals.

(2975.) SEC. 11. The corporators, or the trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with their articles of association or with the Constitution or laws of this State, as may be deemed necessary for the government of its officers and the conduct of its affairs, and the same, when necessary, to alter and

amend; and they and their successors may have a common seal, and may change and alter the same at their pleasure.

(2976.) SEC. 12. It shall not be lawful for the directors, trustees, or managers of any fire insurance company to make any dividend, except from the surplus profits arising from their business; and in estimating such profits, there shall be reserved therefrom a sum equal to the whole amount of premiums on unexpired risks and policies, which are hereby declared to be unearned premiums; and also there shall be reserved all sums due the corporation on bonds and mortgages, bonds, stocks, and book accounts, of which no part of the principal or the interest thereon has been paid during the last year, and for which foreclosure or suit has not been commenced for collection, or which, after judgment obtained thereon, shall have remained more than two years unsatisfied, and on which interest shall not have been paid, and also there shall be reserved all interest due or accrued and remaining unpaid: *Provided* Dividend to be made only from surplus profits.
Reservation to be made in estimating profits. *always,* That any company may declare dividends not exceeding ten per cent on its capital stock, in any one year, that shall have accumulated and be in possession of a fund, in addition to the amount of its capital stock, and of such dividend, and all outstanding liabilities, equal to one-half of the amount of all premiums on risks not terminated at the time of making such dividend. Any dividend made contrary to these provisions shall subject the company making the same to a forfeiture of its corporate rights, and each stockholder receiving it to a liability to the creditors of such company, to the extent of the dividend received, in addition to the other penalties and punishments in such case made and provided. Penalty for improperly declaring dividends.

(2977.) SEC. 13. All notes deposited with any mutual insurance company at the time of its organization, as provided in section six, shall remain as security for all losses and claims until the accumulation of the profits, invested as required by the eighth section of this act, shall equal the amount of cash capital required to be possessed by stock companies organized under this act; but any note which may have been deposited with any mutual insurance company subsequent to its organization, in addition to the cash premium on any insurance effected with such company, may at the expiration of the time of such insurance, be relinquished and given up to the maker thereof, or his representative, upon his paying his proportion of all losses and expenses which may have accrued thereon during such term; and all such premium notes shall be a lien upon the premises insured, to the amount of principal and interest due thereon. The directors or trustees of any such com- Notes to remain as security.
When note may be given up.

Directors to determine amount of note to be given.

Persons insuring in mutual companies thereby become members.

Directors to determine sums to be paid by members, and publish same.

When members may be sued.

When amount of notes is insufficient to pay loss.

Mutual and stock companies to be so designated.

pany shall have the right to determine the amount of the note to be given in addition to the cash premium by any person insured in such company; but in no case shall the note be more than five times the whole amount of the cash premium. And every person effecting insurance in any mutual company, and also their heirs, executors, administrators, and assigns, continuing to be so insured, shall thereby become members of said corporation during the period of insurance, and shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or notes. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective portion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the officers of the company within thirty days next after the publication of said notice. And if any member shall for the space of thirty days after the publication of said notice, and after personal demand for payment shall have been made, neglect or refuse to pay the sum assessed upon him as his proportion of any loss, as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; but execution shall only issue for assessments and costs as they accrue, and every such execution shall be accompanied by a list of the losses for which the assessment is made. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by the said company shall receive, towards making good their respective losses, a proportional share of the whole amount of said notes, according to the sums by them respectively insured; but no member shall ever be required to pay for any loss occasioned by fire, more than the whole amount of his deposit note.

(2978.) SEC. 14. Every insurance company hereafter organized under this act shall, if it be a mutual company, embody the word "mutual" in its title, which shall appear on the first page of every policy and renewal receipt; and every company doing business as a cash stock company shall, upon the face of its policy, in some suitable manner, express that such policy is a stock policy.

(2979.) SEC. 15. Suits at law may be maintained by any corporation formed under this act, against any of its members or stockholders, for any cause relating to the business of such corporation; also, suits at law may be prosecuted and maintained by any member or stockholder against such corporation for any losses which may have accrued, if payment is withheld more than sixty days after such losses may have become due.

Corporation may maintain suits against members, and stockholders and members, etc., against company.

(2980.) SEC. 16. The trustees and corporators of any company organized under this act, shall be jointly and severally liable for all debts or responsibilities of such company, until the whole amount of the capital of such company shall have been paid in and a certificate thereof recorded, as hereinbefore provided. Notes taken in advance of premiums under this act, are not to be considered debts of the company in determining whether a company is insolvent, but are to be regarded as assets of the company.

Trustees and corporators jointly and severally liable.

Notes in advance of premiums; how regarded.

(2981.) SEC. 17. Any existing fire insurance company, and any company formed under this law, may at any time increase the amount of its capital stock, after notice given once a week for six weeks in a newspaper published in the county where such company is located, of such intentions, with the written consent of three-fourths in amount of its stockholders, unless otherwise provided in its articles of association; or, if a mutual company, with the unanimous consent of its trustees, unless otherwise provided in its articles of association, by altering or amending such articles of association in this respect, and filing a copy thereof, so amended, together with a declaration under its corporate seal, if it have any, signed by its president and directors, of their desire so to do, with such written consent of three-fourths in amount of its stockholders, or the unanimous consent of the trustees, as aforesaid, to such increase, in the office of the Secretary of State, and upon the same proceedings being had as are required by the tenth section of this act.

Capital stock; how increased.

If a mutual company.

(2982.) SEC. 18. Such companies as may have been organized under the "Act to provide for the incorporation of insurance companies, and defining their powers and duties," approved February fifteen, eighteen hundred and fifty-nine, and the acts amendatory thereof, are hereby brought under all the provisions of this act, except that their capitals may continue of the amounts named in their respective articles of association during the existing term thereof, and except as provided in section thirty-seven of this act.

Concerning companies organized under act of 1859, etc.

(2983.) SEC. 19. All companies organized under this act shall be deemed and taken to be bodies corporate and politic, in fact and in

Bodies corporate and politic.

name, and shall be subject to all the provisions of the Compiled Laws in relation to corporations, so far as the same are applicable.

Annual state-
ment of stock
companies.

(2984.) SEC. 20. It shall be the duty of the president, or vice president and secretary, of each stock company organized under this act, or under any law of this State, annually, on the first day of January, or within one month thereafter, to prepare, under their own oath, and deposit in the office of the Secretary of State, a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, in the following form, namely :

Contents.

First. The amount of the capital stock of the company ;

Second. The property or assets held by the company, specifying—

1. The value, as nearly as may be, of the real estate held by such company ;

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same are deposited ;

3. The amount of cash in the hands of agents and in course of transmission ;

4. The amount of loans secured by bonds and mortgages, constituting the first lien on real estate, on which there shall be less than one year's interest due or owing ;

5. The amount of loans on which interest shall not have been paid within one year previous to such statement ;

6. The amount due the company on which judgments have been obtained ;

7. The amount of bonds of this State, of the United States, and of any other bonds owned by the company, specifying the amount, number of, and par and market value of each kind ;

8. The amount of bonds held thereby as collateral security for loans, with the amount loaned on each kind, its par value, and the market value ;

9. The amount of accrued interest not due ;

10. The amount of interest actually due and unpaid ;

11. Amount due from agents ;

12. The amount due from premiums ;

13. The amount of all other loans and securities ;

14. The amount of all other property and investments of the company ;

Third. The liabilities of such company, specifying—

1. The amount of losses due and yet unpaid ;

2. The amount of claims for losses resisted by the company ;

3. The amount of losses incurred during the year, including those claimed and not yet due, and of those reported to the company, upon which no action has been taken;

4. The amount of dividends declared and due, and remaining unpaid;

5. The amount of dividends, either cash or scrip, declared but not yet due;

6. The amount of money borrowed, and security given for the payment thereof;

7. The amount of unearned premiums;

8. The amount of all other existing claims against the company;

Fourth. The income of the company during the preceding year, specifying—

1. The amount of cash premiums [received], and whether the same shall have been received for fire or marine insurance, and the amount of each class;

2. The amount of interest money received;

3. The amount of income received from other sources.

Fifth. The expenditures during the preceding year, specifying—

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which such losses were estimated in such preceding statement;

2. The amount of dividends paid during the year;

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company;

4. The amount paid in taxes;

5. The amount of all other payments and expenditures.

If it be a mutual company, such report shall state and show—

1. The whole number of members belonging thereto;

2. The number of new members that have been added thereto during the year;

3. The amount of property insured during the year, and the whole amount then at risk;

4. The amount of premium or deposit notes taken during the year, and the whole amount of such notes then in force and held by the company;

5. The amount of cash premiums received during the year, and the total amount of such premiums then belonging to the company, and what amount of the same is in actual cash on hand;

6. The amount of assessments levied upon the members during the year;

7. The rate per cent of such assessments on the property insured, and the rate per cent of such assessments on the premium or deposit notes or other obligations upon which the assessments are made;

8. The amount collected and paid in on assessments made during the year, and what amount has been collected on assessments levied prior to that year, and the gross amount of assessments then outstanding and not canceled by the board of directors, the gross amount re-assessed for assessments not paid;

9. The amount of losses paid during the year;

10. The amount of salary and fees paid to each officer and director, and to whom paid;

11. The items and amount of all other expenses paid during the year;

12. The amount of all claims for losses, and other debts existing against the company, showing what amount of claims and losses is then due and payable; what amount has not matured according to the terms of the contract; what amount is resisted for any cause, of [or] for which the company do not consider themselves legally liable. The statement herein provided for shall be in lieu of any or all statements now required by any existing law.

Secretary of State may address inquiries to companies.

(2985.) SEC. 21. The Secretary of State is hereby authorized and empowered to address any inquiries to any insurance company, or the secretary thereof, in relation to its doings or condition, or any other matter connected with its transactions; and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. Every fire insurance company organized under any law of this State, failing to make and deposit such statements, or to reply to any inquiry of the said Secretary of State, shall be subject to the penalty of five hundred dollars, and an additional five hundred dollars for every month that such company shall continue thereafter to transact any business of insurance.

Penalties for making false statement, etc., and for transacting business after such failure.

Secretary of State to furnish forms of statement.

(2986.) SEC. 22. It shall be the duty of the Secretary of State to cause to be prepared and furnished to each of the companies, and to the attorneys of companies incorporated by other States and foreign governments, printed forms of the statements required by this act; and he may, from time to time, make such changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated. It shall be the duty of the Secretary of State to cause the information contained in the statements required by this act to be arranged in a

Forms may be changed.

Secretary of State to arrange and communicate information to Legislature.

tabular form, and prepare the same in a single document for printing, which he shall communicate to the Legislature.

(2987.) SEC. 23. It shall not be lawful for any fire insurance company, association, or partnership incorporated by or organized under the laws of any other State of the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; and any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall first appoint an attorney in this State, on whom process of law can be served, which process shall issue from the courts of this State, and such courts shall have exclusive jurisdiction of all cases arising under this act, and shall file in the office of the Secretary of State a certified copy of the vote or resolution of the directors appointing such attorney, which appointment shall continue until another attorney be substituted; and in case any such insurance company shall cease to transact business in this State according to the laws thereof, the agent last designated, or acting as such for such corporation, shall be deemed to continue agent for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this State, and service of such process for the causes aforesaid upon any such agent shall be deemed a valid personal service upon such corporation; and shall also file a certified copy of its charter, or deed of settlement, together with a statement under the oath of the president or vice-president and other chief officer and secretary of the company for which he or they may act, stating the name of the company and place where located; the amount of its capital, with a detailed statement of its assets, showing the amount of cash on hand, in bank, or in the hands of agents; the amount of real estate, and how much the same is incumbered by mortgage; the number of shares of stock of every kind owned by the company, the par or market value of the same; amount loaned on bond and mortgage; the amount loaned on other security, stating the kind, and the amount loaned on each, and the estimated value of the whole amount of such securities; any other assets or property of the company; also, stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as

Companies to possess certain amount of capital.

Those of other States and foreign governments to appoint attorney.

Courts of this State to have exclusive jurisdiction of cases under this act.

When company withdraws, who to be considered agent.

Company to file certified copy of charter and statement.

Contents of statement.

Assets, real estate, shares of stock, etc.

Indebtedness, losses, and claims.

Copy of last report.	illegal and fraudulent, and any other claims existing against the company; also, a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired to the extent of fifteen per cent thereof, while such deficiency shall continue; nor shall it be lawful for any person to act as agent for any company or companies referred to in this section, directly or indirectly, in taking risks or transacting the business of fire or inland navigation insurance in this State without procuring or receiving from the Secretary of State a certificate of authority, stating that such company has complied with all the requisitions of this act which apply to such companies, and the name of the attorney appointed to act for the
Limit of impairment.	
Every agent to hold certificate of authority.	company. A certified copy of such certificate of authority, with
Certified copy of authority to be filed with county clerk.	statement, must be filed by the agent in the office of the clerk of every county where such company has agents, and shall be published in some paper of general circulation in the State, four successive times after the filing such statement as aforesaid, and within thirty days thereafter proof of such publication, by the affidavit of the publisher of such newspaper, his foreman, or clerk, shall be filed in the office of the said Secretary of State. The statements and evidences of investments required by this section shall be renewed from year to year, in such manner and form as may be required by said Secretary of State, with an additional statement of the amount of premiums received and losses incurred upon fire and marine risks, separately, in this State, during the preceding year, so long as such agency continues; and the said Secretary of State, on being satisfied that the capital, securities, and investments remain secure, as hereinbefore provided, shall furnish a renewal of his certificate as aforesaid; and the agent or agents obtaining said certificate shall file a certified copy of the same in the office of the clerk of the county in which such agency shall be established, within thirty days after receiving the same. Any violation of any of the provisions of this section shall subject the company violating to a penalty of five hundred dollars for each violation, and the additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication, or to file such affidavits and statements as are herein required. Every agent of any fire insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town, or village in which the company is located, and the State or government under the laws
Shall also be published.	
Statements to be renewed each year.	
Additional statement of premiums and losses on fire and marine risks separately.	
Secretary of State to furnish renewal of his certificate as aforesaid.	
Penalty for violation of law.	
Contents of advertisements of agency.	

of which it is organized. The term agent or agents, used in this section, shall include any acknowledged agent, surveyor, broker, or any other person or persons who shall in any manner aid in transacting the insurance business of any insurance company not incorporated by the laws of this State. The provisions of this section shall apply to all foreign insurance companies, partnerships, associations, and individuals, whether incorporated or not.¹

Whom the term "agent," shall include.

To whom the provisions of this section apply.

(2988.) SEC. 24. All insurance companies, associations, corporations, partnerships, or individuals transacting the business of fire or fire and marine insurance in this State, incorporated by or organized under the laws of any other State of the United States, shall make annual statements to the Secretary of State, in such manner and on such detailed forms as may be prescribed or furnished by him, of their condition and affairs upon the thirty-first day of December preceding, on the first day of January in each year, or within thirty days thereafter. Companies, associations, corporations, partnerships, or individuals incorporated and organized under the laws and authority of any foreign government, authorized to transact business in this State, shall be required to make and file their annual statements on the first day of June in each year, or within sixty days after their annual meeting as specified in their respective charters or acts of incorporation. They shall also cause to be made out and filed supplementary annual statements of their business in the United States for the year ending the thirty-first day of December, on the first day of January in each year, or within sixty days thereafter. Such supplementary reports shall be made out in the same manner as the reports required from companies organized under the laws of other States of the United States, and the managers, resident directors, or general agents for the United States shall, for the purposes of making such supplementary reports, be deemed the legal and proper officers of such companies or corporations.²

Annual statements.

When made.

When made by foreign companies.

Supplementary statements of business in the United States.

How to be made

(2989.) SEC. 25. In case of neglect or refusal to make such annual statements as aforesaid, all persons acting in this State as agents or otherwise in transacting the business of insurance for said companies, corporations, associations, partnerships, or individuals, shall be subject to the same penalties provided by law in case of the failure of any insurance company organized under the laws of this State to make an annual statement as now provided by law.

Penalties for neglect.

¹ As amended by Act 51 of the Laws of 1871, p. 60, approved and took effect March 29, 1871.

² Vide note to section 6 of this act.

Articles to be acknowledged.	of Red Men, having been duly chartered by the superior lodge of the Pocahontas Tribes of Improved Order of Red Men, desirous to become incorporated, may make and execute articles of association, under their hands and seal, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds and shall set forth—
Contents.	<i>First.</i> The names of persons associating in the first instance, and their places of residence ;
Name, etc.	<i>Second.</i> The corporate name by which such association shall be known in the law, and the place of its business office ;
Objects, etc.	<i>Third.</i> The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the "Societies of Pocahontas Tribes of Improved Order of Red Men," and the period for which it is incorporated, not exceeding thirty years.
Where filed and recorded.	(3254.) SEC. 2. A copy of said articles of association, together with a copy of the charter and constitution of said Society of Pocahontas Tribes of Improved Order of Red Men, shall be filed with the county clerk in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose ; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold, enjoy, grant, sell, give, lease, and demise real and personal estate, of suing and being sued, and may have a common seal, and change and alter the same at pleasure ; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as <i>prima facie</i> evidence in all courts of this State, of the existence and due incorporation of such corporation : <i>Provided</i> , That the value of such real and personal estate shall not exceed the sum of five thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents, and incomes shall be devoted exclusively to charitable and benevolent purposes of the societies of Pocahontas Tribes of Improved Order of Red Men.
Body politic.	
May have a seal.	
Effect of certified copy of record.	
Provide.	
Erection of edifices, etc.	(3255.) SEC. 3. Any corporation formed in pursuance of this act may erect and own such suitable edifice, buildings, or hall, as to such corporation shall seem proper, with convenient rooms for

in the State, or if in vacation to any judge thereof, for an order requiring them to show cause why the business of such company should not be closed and a receiver appointed of its assets and funds, and the court or judge shall thereupon proceed to hear the allegations and proofs of the respective parties; and in case it shall appear to the satisfaction of such court, or the judge thereof, on the hearing of such proofs, that the assets and funds of such company are not sufficient, as aforesaid, or that for any cause such company is not entitled to transact business in this State, the said court or judge thereof shall decree a dissolution of such company and a distribution of its effects. The said court or judge thereof shall have power to refer the application of the Secretary of State to a referee, to inquire into and report upon the facts stated therein. Upon any such investigation before such court, judge, or referee, the report of the persons appointed by the Secretary of State to examine into the affairs of such company shall be *prima facie* evidence of the facts therein contained. The corporate existence of such company may be proved, if necessary, by a copy of the articles of association, with a certificate of the Secretary of State attached, that such copy is a duplicate of the copy on file in his office. It shall be the duty of the prosecuting attorney of the county where such proceedings are instituted, on application of the Secretary of State or the Attorney General, to appear for the people and prosecute the same.¹

Application for
appointment of
receiver.

Referee may be
appointed.

Report of exami-
nation to be
prima facie evi-
dence.

Corporate exis-
tence; how
proved.

Prosecuting at-
torney to appear
for people.

(2991.) SEC. 27. Any company receiving the aforesaid requisition from the said Secretary of State, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of said company; and in case any stockholder of such company shall refuse or neglect to pay the amount so called for, after notice personally given or by advertisement, in such time and manner as the said Secretary of State shall approve, it shall be lawful for the said company to require the return of the original certificate of stock held by such stockholder, and in lieu thereof to issue new certificates for such number of shares as the said stockholder may be entitled to in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company; the value of such shares, for which new certificates shall be issued, to be ascertained under the direction of the said Secretary of State, and the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new

When calls to be
made upon
stockholders.

Action had on
refusal of stock-
holders to pay
amount called
for.

When company
to require return
of original, and
issue new cer-
tificates of stock

Directors may
create new stock

¹ Vide note to section 6 of this act.

stock and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company.

Directors; when
liable for losses.

(2992.) SEC. 28. And it is hereby declared that in the event of any additional losses accruing upon new risks, taken after the expiration of the period limited by the said Secretary of State in the aforesaid requisition for the filling up of the deficiency in the capital and assets of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof. And if, upon such examination, it shall appear to the said Secretary of State that the assets of any company chartered on the plan of mutual insurance under any law of

Mutual com-
panies may be
prosecuted
against, same as
stock companies

this State, are insufficient to justify the continuance of such company in business, it shall be his duty to proceed in relation to such company in the same manner as is herein required in regard to joint stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the period limited by the said Secretary of State for filling up the deficiency in the capital and assets of such company, and before such deficiency shall have been made up. Any transfer of the stock of

When directors
liable.

Transfer of stock
not to release
party from liabil-
ity.

any company organized under this act, made during the pending of any such investigation, shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer. All the provisions of section twenty-six of this act shall apply to any company chartered on the plan of mutual insurance under the laws of this State; and whenever it shall appear to the said Secretary of State that the affairs of any

To be subject to
provisions of
section 26.

Revocation of
authority to do
business.

company not incorporated by the laws of this State are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to be published in some paper of general circulation in this State for four weeks; and the agent or agents of such company are, after such notice, required to discontinue the issuing of any new policy, and the renewal of any previously issued; and the agent or agents of any such company not incorporated by the laws of this State, who shall issue any new policy or make any contract for the same after such publication, shall be liable in an action of trover to the persons assured, in double the sum named as premium in such policy or contract.¹

Publication of
same.

Penalty for
doing business
subsequently.

¹ Vide note to section 6 of this act.

(2993.) SEC. 29. Every penalty provided for by this act, or by any other act heretofore enacted by the Legislature of this State relating to insurance, shall be sued for and recovered in the name of the people by the prosecuting attorney of the county in which the company or the agent or agents so violating shall be situated. One-fourth of said penalty, when recovered, shall be paid to the party making the complaint, and the remainder shall be paid into the treasury of said county; and in the case of the non-payment of such penalty the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof. Such penalties may also be sued for and recovered in the name of the people, by the Attorney General, and, when sued for and collected by him, shall be paid into the State Treasury.¹

How recovered
and disposed of.

Non-payment of,
cause for im-
prisonment.

Attorney
General may sue
for penalty.

(2994.) SEC. 30. All companies incorporated under this act may provide, in their articles of association, for not more than thirty years' duration; but the Legislature may at any time alter, amend, or repeal this act, and provide for the closing up of the business and affairs of any company formed under it.

Duration of
charter.

Power of Legis-
lature to amend,
etc.

(2995.) SEC. 31. The certificates of authority required by section twenty-three of this act, and all necessary duplicates and copies, shall be furnished to the several companies by the Secretary of State, without charges or fees; but every county clerk may demand and receive for every such certificate filed in his office under this act the sum of twenty-five cents.¹

Certificates;
copies and dupli-
cates of, tur-
nished free.

Fee for filing in
clerk's office.

(2996.) SEC. 32. The necessary expenditures of any examination made or ordered to be made by the Secretary of State under this act shall be certified to by him, and paid on his requisition by the company which is the subject of such examination, not exceeding five dollars per day and expenses: *Provided*, The cost and expenses of the examination of any company incorporated under the laws of any other State, or any foreign government, the central or general office of which is outside this State, shall be certified by the Secretary of State to the Auditor General as proper and reasonable, and upon the receipt of such certificate the Auditor General shall draw his warrant for the same, payable out of the general or contingent fund of the State, and the State Treasurer, on the presentation of any such warrant, is hereby authorized and directed to pay the same.¹

Expenses of
examination;
how paid.

Proviso.

¹ Vide note to section 6 of this act.

Mutual stock companies confined to mutual and stock plans, respectively.

(2997.) SEC. 33. It shall not be lawful for any company organized upon the mutual plan to do business and take risks upon the stock plan, neither for a company organized as a stock company to do business upon the plan of a mutual insurance company.

Taxes on premiums; statement therefor.

(2998.) SEC. 34. Any fire insurance company, association, or partnership incorporated by or organized under the laws of any other State or any foreign government, doing business within this State, shall, as a condition precedent to the renewal of an annual certificate by the Secretary of State, make and file in the office of the State Treasurer, annually, in the month of January of each year, on oath or affirmation, a statement of the number of fire policies issued by its agents, and procured by or written for sub-agents, solicitors, or brokers, upon property owned by residents of, or situate in the State of Michigan; also, a like statement of the marine insurance business transacted in the State of Michigan, and the gross amount of premiums received or secured thereon during the year then terminated; and shall pay into the hands of the State Treasurer a specific tax of three per cent on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be recovered from any company neglecting or refusing to pay the same, in any court, at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific tax on such corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State Treasury under the provisions of this act.¹

On what paid, and how recovered.

Receipt of State Treasurer.

When all companies to conform to provisions of this act.

(2999.) SEC. 35. Every insurance company organized under the laws of, or doing business in this State, shall conform to all the provisions of this act applicable thereto, on or before the thirty-first day of January, eighteen hundred and seventy, and, when necessary, any existing company shall change its articles of association and by-laws, so as to conform hereto, by a vote of a majority of its board of directors; and any president, secretary, or other officer of any company organized under the laws of Michigan, or any officer, agent, or person doing or attempting to do business in this State for any insurance company organized without this State, failing to comply with any of the requirements of this act, or violating any of the provisions thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the

Penalties for non-compliance with requirements of this act.

¹ Vide note to section 6 of this act.

county jail for a period of not less than thirty days nor more than six months.

(3000.) SEC. 36. If any stock company, or any company organized under the plan of mutual insurance under this act, or the act of [or] acts of which this is amendatory, shall, by means of any advertisement, notice or statement printed in any newspaper, or by means of any written or printed, or partly written and partly printed notice, circular, or handbill, or by any agent, or other person acting for said company, or by other means, falsely represent, publish, or hold out to the public that the capital stock of such company, or the stock or guaranty capital of any such mutual company, is greater or of a larger amount than the actual cash market value of such capital stock or guaranty capital, every director, officer, or agent of such company guilty of any participation therein shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section thirty-five of this act; and if any such company, after any such false statement or representation, notice, advertisement, or circular shall have been given out, circulated, or published, shall receive any money, note, or obligation for the payment of money from any person, as a consideration for any insurance made, or policy issued, or to be issued by such company, [the] directors, officers, or agents of such company shall be deemed to have obtained such money, note, or obligation by false pretenses, designedly, with intent to defraud or cheat the person paying such consideration, and shall be punished the same as persons guilty of obtaining property or money by false pretenses, designedly, with intent to defraud and cheat another, and shall also be liable in damages to the person from whom the money, note, or obligation was obtained, in an action in the case, for double the amount of the money and note or obligation so obtained, and shall also be jointly and severally liable to the person insured, to pay all losses covered by such insurance: *Provided*, That the said company may proceed with its business, receiving money, issuing policies, whenever the circuit judge for the judicial circuit where the office of said company is located shall certify from proof adduced before him, either that such publication was by mistake, or that the directors, officers, or agents making the same have been dismissed from the service of the said company, and whenever, also, the said company shall publish such true statement of its affairs as the said circuit judge shall direct.

False representations of amount of capital stock; penalties therefor.

Money, note, etc., received after such false statement, shall be deemed obtained by false pretenses.

Proviso.

Farmers' mutual insurance companies, which insure farm buildings solely, not subject to this act.

(3001.) SEC. 37. The provisions of this act shall not apply to farmers' mutual insurance companies, which insure farm buildings and contents solely, as now organized, or that may hereafter be organized, under act number two hundred and sixty-two of Session Laws of eighteen hundred and fifty-nine, and the acts amendatory thereof relative to insurance companies, but such companies shall continue to be subject to the provisions of act number two hundred and sixty-two of the laws of eighteen hundred and fifty-nine, approved February fifteen, eighteen hundred and fifty-nine, entitled, "An act for the incorporation of insurance companies, and defining their powers and duties," and the acts amendatory thereof.

Penalty for false swearing.

(3002.) SEC. 38. Any persons required by the provisions of this act to take any oath or affirmation, who shall make any false oath or affirmation, shall be deemed guilty of perjury.

Acts repealed.

(3003.) SEC. 39. All acts or parts of acts inconsistent herewith are hereby repealed.

Amendments of articles of association.

(3004.) SEC. 40. Any company formed under this act shall have the power to amend its articles of association at any regular meeting of the stockholders or members called by the directors for that purpose; but notice of such meeting, and of the purpose for which it is called, shall be served on each of the stockholders, or, if it is a mutual company, on each of the members, either personally or by directing the same through the postoffice to the last known post-office address of such stockholder or member, at least three weeks previous to such meeting; but such amendments shall not take effect until submitted to the Attorney General, and certified by him not to conflict with the Constitution or laws of this State, nor until a copy thereof, signed by the president and secretary of the company, shall be filed in the office of the Secretary of State, and of the county clerk where the original articles were filed.¹

Must be submitted to Attorney General.

Acts repealed.

(3005.) SEC. 41. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.¹

¹ As added by Act 92 of the Laws of 1871, p. 182, approved and took effect April 12, 1871.

CHAPTER C.

BOARDS OF TRADE AND CHAMBERS OF COMMERCE.

An Act for the incorporation of boards of trade of trade and chambers of commerce.

[Approved March 19, 1863. Laws of 1863, p. 303.]

(3006.) SECTION 1. *The People of the State of Michigan enact,* Boards of trade authorized.
That any number of persons, not less than twenty, residing in any city, town, or county, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating together may agree, and elect a president, one or more vice-presidents, and such other officers as Officers of. may be determined upon, adopt a name, constitution, and by-laws, Names, etc. such as they may agree upon, and shall thereupon become a body corporate and politic, in fact and in name, by the name, style, or Body corporate. title which they have adopted, and by that name shall have succession, shall implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity whatever, and they and their successors shall have a common seal, and may Common seal. alter and change the same at any time, at their discretion.¹

(3007.) SEC. 2. Said corporation shall have the right to admit as Membership. members such persons as they may see fit, and expel any member or person they may see fit; and in all cases a majority of the mem- By-laws. bers present at any stated meeting shall have the right to pass, and also the right to repeal any by-law of said corporation; and in all

¹As amended by Act 68 of the Laws of 1865, p. 81, approved and took effect February 20, 1865.

- Constitution and by-laws binding until amended. cases the constitution and by-laws adopted by such corporation shall be binding upon and control the same until altered, changed, or abrogated, in the manner that may be prescribed in said constitution: *Provided*, That any amendment to said by-laws, or motion to repeal the same, shall be made at a meeting next previous to that on which a vote is to be taken to repeal or amend.
- Previso. (3008.) SEC. 3. Said corporation, by the name and style which shall be adopted, may receive and hold property and effects, real and personal, by gift, devise, or purchase, and dispose of the same by sale, lease, or otherwise, said property so held not to exceed at any time the sum of one hundred thousand dollars.
- Corporation may hold real and personal estate. (3009.) SEC. 4. The time and manner of holding elections, and making appointments of such officers as are not elected, shall be established by the constitution or by-laws of such corporation. The president and vice-presidents shall be *ex officio* members of the board of directors, and, together with the directors elected, shall manage the business of said corporation.
- Election and appointment of officers. (3010.) SEC. 5. Said corporation may constitute and appoint committees of reference and arbitrations, and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in rules or by-laws for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of such association, or by other persons not members thereof; the acting chairman of either of said committees, when sitting as arbitrators, may administer oaths to the parties and witnesses, and issue subpoenas and attachments compelling the attendance of witnesses, the same as justices of the peace, and in like manner directed to any constable to execute.
- Committee of reference, arbitration, and appeal. (3011.) SEC. 6. When any submission shall have been made in writing, and a final award shall have been rendered, and no appeal taken within the time fixed by the rules or by-laws, then on filing such awards and submission with the clerk of the circuit court of the county where either of the justices reside, an execution may issue upon such award as if it were a judgment rendered in the circuit court, and such award shall thenceforth have the force and effect of such a judgment, and shall be entered upon the judgment docket of said court.
- Powers of chairman. (3012.) SEC. 7. It shall be lawful for such corporation, when they shall think proper, to receive and require of and from their officers, whether elected [or] appointed, good and sufficient bonds for the faithful discharge of their duties and trusts; and the president, vice-presidents, or secretary is hereby authorized to admin-
- When execution may issue on award.
- Bond and oath of officers.

ister such oaths of office as may be prescribed in the by-laws of such corporation; said bond shall be made payable and conditioned as prescribed by the by-laws of such corporation, and may be sued, and the moneys collected and held for the use of the party injured, or such other use as may be determined upon by said corporation.

(3013.) SEC. 8. Said corporation shall have power to appoint one Inspector ;
appointment
and duties of. or more persons, as they may see fit, to examine, weigh, measure, gauge, or inspect flour, grain, provisions, liquor, lumber, or any other article of produce or traffic commonly dealt in by the members of said corporation; and the certificate of such person or Certificate of. inspector as to the quality or quantity of such article, or their brand or mark upon it, or upon any package containing such article, shall be evidence between buyer and seller of the quantity, grade, or quality of the same, and shall be binding upon the members of said corporation, or others interested, and requiring or assenting to the employment of such weighers, measurers, gaugers, or inspectors; nothing herein contained, however, shall compel the employment by any one of any such appointee.

(3014.) SEC. 9. Said corporation may inflict fines upon any of its Corporation
may inflict fines. members and collect the same, for breach of its rules, regulations, or by-laws, but no fine shall exceed five dollars; such fines may be collected by action of debt before a justice of the peace, in the name of such corporation.

(3015.) SEC. 10. Such corporations shall have no power to do or Restrictions. carry on any business, excepting such as is usual in the management of boards of trade or chambers of commerce, as provided in the foregoing sections of this bill.

stock and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company.

Directors; when liable for losses.

(2992.) SEC. 28. And it is hereby declared that in the event of any additional losses accruing upon new risks, taken after the expiration of the period limited by the said Secretary of State in the aforesaid requisition for the filling up of the deficiency in the capital and assets of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof. And if, upon such examination, it shall

Mutual companies may be prosecuted against, same as stock companies

appear to the said Secretary of State that the assets of any company chartered on the plan of mutual insurance under any law of this State, are insufficient to justify the continuance of such company in business, it shall be his duty to proceed in relation to such company in the same manner as is herein required in regard to

When directors liable.

joint stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the period limited by the said Secretary of State for filling up the deficiency in the capital and assets of such company, and before such deficiency shall have been made up. Any transfer of the stock of

Transfer of stock not to release party from liability.

any company organized under this act, made during the pending of any such investigation, shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer. All the provisions of section twenty-six of

To be subject to provisions of section 26.

this act shall apply to any company chartered on the plan of mutual insurance under the laws of this State; and whenever it

Revocation of authority to do business.

shall appear to the said Secretary of State that the affairs of any company not incorporated by the laws of this State are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to

Publication of same.

be published in some paper of general circulation in this State for

Penalty for doing business subsequently.

four weeks; and the agent or agents of such company are, after such notice, required to discontinue the issuing of any new policy, and the renewal of any previously issued; and the agent or agents of any such company not incorporated by the laws of this State, who shall issue any new policy or make any contract for the same after such publication, shall be liable in an action of trover to the persons assured, in double the sum named as premium in such policy or contract.¹

¹ Vide note to section 6 of this act.

(2993.) SEC. 29. Every penalty provided for by this act, or by any other act heretofore enacted by the Legislature of this State relating to insurance, shall be sued for and recovered in the name of the people by the prosecuting attorney of the county in which the company or the agent or agents so violating shall be situated. One-fourth of said penalty, when recovered, shall be paid to the party making the complaint, and the remainder shall be paid into the treasury of said county; and in the case of the non-payment of such penalty the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof. Such penalties may also be sued for and recovered in the name of the people, by the Attorney General, and, when sued for and collected by him, shall be paid into the State Treasury.¹

How recovered
and disposed of.

Non-payment of,
cause for im-
prisonment.

Attorney
General may sue
for penalty.

(2994.) SEC. 30. All companies incorporated under this act may provide, in their articles of association, for not more than thirty years' duration; but the Legislature may at any time alter, amend, or repeal this act, and provide for the closing up of the business and affairs of any company formed under it.

Duration of
charter.

Power of Legis-
lature to amend,
etc.

(2995.) SEC. 31. The certificates of authority required by section twenty-three of this act, and all necessary duplicates and copies, shall be furnished to the several companies by the Secretary of State, without charges or fees; but every county clerk may demand and receive for every such certificate filed in his office under this act the sum of twenty-five cents.¹

Certificates;
copies and dupli-
cates of, fur-
nished free.

Fee for filing in
clerk's office.

(2996.) SEC. 32. The necessary expenditures of any examination made or ordered to be made by the Secretary of State under this act shall be certified to by him, and paid on his requisition by the company which is the subject of such examination, not exceeding five dollars per day and expenses: *Provided*, The cost and expenses of the examination of any company incorporated under the laws of any other State, or any foreign government, the central or general office of which is outside this State, shall be certified by the Secretary of State to the Auditor General as proper and reasonable, and upon the receipt of such certificate the Auditor General shall draw his warrant for the same, payable out of the general or contingent fund of the State, and the State Treasurer, on the presentation of any such warrant, is hereby authorized and directed to pay the same.¹

Expenses of
examination;
how paid.

Provided.

¹ Vide note to section 6 of this act.

Mutual stock companies confined to mutual and stock plans, respectively.

(2997.) SEC. 33. It shall not be lawful for any company organized upon the mutual plan to do business and take risks upon the stock plan, neither for a company organized as a stock company to do business upon the plan of a mutual insurance company.

Taxes on premiums; statement therefor.

(2998.) SEC. 34. Any fire insurance company, association, or partnership incorporated by or organized under the laws of any other State or any foreign government, doing business within this State, shall, as a condition precedent to the renewal of an annual certificate by the Secretary of State, make and file in the office of the State Treasurer, annually, in the month of January of each year, on oath or affirmation, a statement of the number of fire policies issued by its agents, and procured by or written for sub-agents, solicitors, or brokers, upon property owned by residents of, or situate in the State of Michigan; also, a like statement of the marine insurance business transacted in the State of Michigan, and the gross amount of premiums received or secured thereon during the year then terminated; and shall pay into the hands of the State Treasurer a specific tax of three per cent on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be recovered from any company neglecting or refusing to pay the same, in any court, at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific tax on such corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State Treasury under the provisions of this act.¹

On what paid, and how recovered.

Receipt of State Treasurer.

When all companies to conform to provisions of this act.

(2999.) SEC. 35. Every insurance company organized under the laws of, or doing business in this State, shall conform to all the provisions of this act applicable thereto, on or before the thirty-first day of January, eighteen hundred and seventy, and, when necessary, any existing company shall change its articles of association and by-laws, so as to conform hereto, by a vote of a majority of its board of directors; and any president, secretary, or other officer of any company organized under the laws of Michigan, or any officer, agent, or person doing or attempting to do business in this State for any insurance company organized without this State, failing to comply with any of the requirements of this act, or violating any of the provisions thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the

Penalties for non-compliance with requirements of this act.

¹ Vide note to section 6 of this act.

county jail for a period of not less than thirty days nor more than six months.

(3000.) SEC. 36. If any stock company, or any company organized under the plan of mutual insurance under this act, or the act of [or] acts of which this is amendatory, shall, by means of any advertisement, notice or statement printed in any newspaper, or by means of any written or printed, or partly written and partly printed notice, circular, or handbill, or by any agent, or other person acting for said company, or by other means, falsely represent, publish, or hold out to the public that the capital stock of such company, or the stock or guaranty capital of any such mutual company, is greater or of a larger amount than the actual cash market value of such capital stock or guaranty capital, every director, officer, or agent of such company guilty of any participation therein shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section thirty-five of this act; and if any such company, after any such false statement or representation, notice, advertisement, or circular shall have been given out, circulated, or published, shall receive any money, note, or obligation for the payment of money from any person, as a consideration for any insurance made, or policy issued, or to be issued by such company, [the] directors, officers, or agents of such company shall be deemed to have obtained such money, note, or obligation by false pretenses, designedly, with intent to defraud or cheat the person paying such consideration, and shall be punished the same as persons guilty of obtaining property or money by false pretenses, designedly, with intent to defraud and cheat another, and shall also be liable in damages to the person from whom the money, note, or obligation was obtained, in an action in the case, for double the amount of the money and note or obligation so obtained, and shall also be jointly and severally liable to the person insured, to pay all losses covered by such insurance: *Provided*, That the said company may proceed with its business, receiving money, issuing policies, whenever the circuit judge for the judicial circuit where the office of said company is located shall certify from proof adduced before him, either that such publication was by mistake, or that the directors, officers, or agents making the same have been dismissed from the service of the said company, and whenever, also, the said company shall publish such true statement of its affairs as the said circuit judge shall direct.

False representations of amount of capital stock; penalties therefor.

Money, note, etc., received after such false statement, shall be deemed obtained by false pretenses.

Provido.

Farmers' mutual insurance companies, which insure farm buildings solely, not subject to this act.

(3001.) SEC. 37. The provisions of this act shall not apply to farmers' mutual insurance companies, which insure farm buildings and contents solely, as now organized, or that may hereafter be organized, under act number two hundred and sixty-two of Session Laws of eighteen hundred and fifty-nine, and the acts amendatory thereof relative to insurance companies, but such companies shall continue to be subject to the provisions of act number two hundred and sixty-two of the laws of eighteen hundred and fifty-nine, approved February fifteen, eighteen hundred and fifty-nine, entitled, "An act for the incorporation of insurance companies, and defining their powers and duties," and the acts amendatory thereof.

Penalty for false swearing.

(3002.) SEC. 38. Any persons required by the provisions of this act to take any oath or affirmation, who shall make any false oath or affirmation, shall be deemed guilty of perjury.

Acts repealed.

(3003.) SEC. 39. All acts or parts of acts inconsistent herewith are hereby repealed.

Amendments of articles of association.

(3004.) SEC. 40. Any company formed under this act shall have the power to amend its articles of association at any regular meeting of the stockholders or members called by the directors for that purpose; but notice of such meeting, and of the purpose for which it is called, shall be served on each of the stockholders, or, if it is a mutual company, on each of the members, either personally or by directing the same through the postoffice to the last known post-office address of such stockholder or member, at least three weeks

Must be submitted to Attorney General.

previous to such meeting; but such amendments shall not take effect until submitted to the Attorney General, and certified by him not to conflict with the Constitution or laws of this State, nor until a copy thereof, signed by the president and secretary of the company, shall be filed in the office of the Secretary of State, and of the county clerk where the original articles were filed.¹

Acts repealed.

(3005.) SEC. 41. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.¹

¹ As added by Act 92 of the Laws of 1871, p. 182, approved and took effect April 12, 1871.

CHAPTER C.

BOARDS OF TRADE AND CHAMBERS OF COMMERCE.

An Act for the incorporation of boards of trade of trade and chambers of commerce.

[Approved March 19, 1863. Laws of 1863, p. 303.]

(3006.) SECTION 1. *The People of the State of Michigan enact,* Boards of trade authorized.
That any number of persons, not less than twenty, residing in any city, town, or county, may associate themselves together as a board of trade, and assemble at any time and place upon which a majority of the members so associating together may agree, and elect a president, one or more vice-presidents, and such other officers as Officers of. may be determined upon, adopt a name, constitution, and by-laws, Names, etc. such as they may agree upon, and shall thereupon become a body corporate and politic, in fact and in name, by the name, style, or Body corporate. title which they have adopted, and by that name shall have succession, shall implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity whatever, and they and their successors shall have a common seal, and may Common seal. alter and change the same at any time, at their discretion.¹

(3007.) SEC. 2. Said corporation shall have the right to admit as Membership. members such persons as they may see fit, and expel any member or person they may see fit; and in all cases a majority of the mem- By-laws. bers present at any stated meeting shall have the right to pass, and also the right to repeal any by-law of said corporation; and in all

¹As amended by Act 68 of the Laws of 1865, p. 81, approved and took effect February 20, 1865.

- Constitution and by-laws binding until amended. cases the constitution and by-laws adopted by such corporation shall be binding upon and control the same until altered, changed, or abrogated, in the manner that may be prescribed in said constitution: *Provided*, That any amendment to said by-laws, or motion to repeal the same, shall be made at a meeting next previous to that on which a vote is to be taken to repeal or amend.
- Previso. (3008.) SEC. 3. Said corporation, by the name and style which shall be adopted, may receive and hold property and effects, real and personal, by gift, devise, or purchase, and dispose of the same by sale, lease, or otherwise, said property so held not to exceed at any time the sum of one hundred thousand dollars.
- Corporation may hold real and personal estate. (3009.) SEC. 4. The time and manner of holding elections, and making appointments of such officers as are not elected, shall be established by the constitution or by-laws of such corporation. The president and vice-presidents shall be *ex officio* members of the board of directors, and, together with the directors elected, shall manage the business of said corporation.
- Election and appointment of officers. (3010.) SEC. 5. Said corporation may constitute and appoint committees of reference and arbitrations, and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in rules or by-laws for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of such association, or by other persons not members thereof; the acting chairman of either of said committees, when sitting as arbitrators, may administer oaths to the parties and witnesses, and issue subpoenas and attachments compelling the attendance of witnesses, the same as justices of the peace, and in like manner directed to any constable to execute.
- Committee of reference, arbitration, and appeal. Powers of chairman. (3011.) SEC. 6. When any submission shall have been made in writing, and a final award shall have been rendered, and no appeal taken within the time fixed by the rules or by-laws, then on filing such awards and submission with the clerk of the circuit court of the county where either of the justices reside, an execution may issue upon such award as if it were a judgment rendered in the circuit court, and such award shall thenceforth have the force and effect of such a judgment, and shall be entered upon the judgment docket of said court.
- When execution may issue on award. (3012.) SEC. 7. It shall be lawful for such corporation, when they shall think proper, to receive and require of and from their officers, whether elected [or] appointed, good and sufficient bonds for the faithful discharge of their duties and trusts; and the president, vice-presidents, or secretary is hereby authorized to admin-
- Bond and oath of officers.

ister such oaths of office as may be prescribed in the by-laws of such corporation; said bond shall be made payable and conditioned as prescribed by the by-laws of such corporation, and may be sued, and the moneys collected and held for the use of the party injured, or such other use as may be determined upon by said corporation.

(3013.) SEC. 8. Said corporation shall have power to appoint one or more persons, as they may see fit, to examine, weigh, measure, gauge, or inspect flour, grain, provisions, liquor, lumber, or any other article of produce or traffic commonly dealt in by the members of said corporation; and the certificate of such person or inspector as to the quality or quantity of such article, or their brand or mark upon it, or upon any package containing such article, shall be evidence between buyer and seller of the quantity, grade, or quality of the same, and shall be binding upon the members of said corporation, or others interested, and requiring or assenting to the employment of such weighers, measurers, gaugers, or inspectors; nothing herein contained, however, shall compel the employment by any one of any such appointee.

Inspector ;
appointment
and duties of.

Certificate of.

(3014.) SEC. 9. Said corporation may inflict fines upon any of its members and collect the same, for breach of its rules, regulations, or by-laws, but no fine shall exceed five dollars; such fines may be collected by action of debt before a justice of the peace, in the name of such corporation.

Corporation
may inflict fines.

(3015.) SEC. 10. Such corporations shall have no power to do or carry on any business, excepting such as is usual in the management of boards of trade or chambers of commerce, as provided in the foregoing sections of this bill.

Restrictions.

CHAPTER C I.

WAREHOUSE COMPANIES.

An Act to provide for the incorporation of associations for the purpose of constructing, owning, and controlling warehouses for the storage of grain and other commodities.

[Approved February 27, 1867. Laws of 1867, p. 34.]

Authority to incorporate.

(3016.) SECTION 1. *The People of the State of Michigan enact,* That any five or more persons, residents of this State, may associate themselves together as a body corporate, for the purpose of constructing, owning, and controlling warehouses for the storage of grain and other commodities;

Conditions.

(3017.) SEC. 2. Such persons shall, under their hands and seals, make and subscribe to a certificate which shall specify—

First. The name and business of said association;

Second. The amount of the capital stock thereof, and the amount of cash capital actually paid in;

Third. The number of shares into which said capital stock shall be divided, and it is hereby provided that such shares shall not be less than twenty-five dollars each;

Fourth. The names of the stockholders, their respective residences, and the numbers of shares held by each person;

Fifth. The amount of all property, real and personal, that may be held by such corporation;

Affidavits required.

Sixth. The term of the existence of said corporation, not to exceed thirty years;

Which certificate shall be verified by the affidavits of the persons subscribing the same, and be acknowledged before some officer

authorized to take the acknowledgment of deeds, and shall be recorded in the office of the Secretary of State and in the office of the clerk of the county in which such corporation is located.

(3018.) SEC. 3. Upon compliance by such persons with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real and personal estate that may be purchased by it, or that may be given, granted, or devised to it as a corporation, in accordance with the provisions of law at the time such gift, grant, or devise shall take effect, as may be necessary for the use and occupation of said corporation for the purposes of its business: *Provided*, That the whole amount of the real and personal estate of said corporation shall not exceed in value the sum of one hundred thousand dollars: *And provided further*, That all property of such corporation shall be subject to taxation, and shall be used for no other purpose than for the legitimate business of said corporation, as hereinbefore stated.

Declared a body corporate.

Proviso.

Proviso.

(3019.) SEC. 4. Any corporation formed under the provisions of this act is hereby authorized to erect a warehouse or warehouses on any portion of the real estate that may be owned or acquired by it in accordance with the preceding section, and to receive for storage therein grain and other commodities; to fix the price for such storage, and to make all necessary rules and regulations for the management of its said business.

Right to build, and receive grain, etc., on storage.

(3020.) SEC. 5. When any corporation shall be formed under this act, any three of those associated may call the first meeting of the corporation, at such time and place as they may appoint, by giving notice thereof by publishing the same two or more times in some newspaper printed in the county in which the place of business of said corporation is located, at least fifteen days before the time appointed for such meeting; at which meeting, or at any adjourned meeting thereof, the stockholders of said corporation may elect such officers of said corporation as they shall deem necessary for the proper management of the property and business of said corporation, and may also make all necessary by-laws and regulations for the proper management of their affairs: *Provided*, That said by-laws and regulations shall be in conformity with the provisions of chapter seventy-three of the Compiled Laws, relative to corporations.

Manner of calling the first meeting.

Election of officers.

Proviso.

(3021.) SEC. 6. All corporations formed under this act shall be subject to the general provisions of chapter seventy-three of the Compiled Laws, in all matters not herein enumerated and specified, so far as the same may be applicable thereto.

Other provisions

CHAPTER CII.

CHEESE MANUFACTURES.

An Act to authorize the formation of corporations for manufacturing cheese and other products from milk.

[Approved March 26. 1867. Laws of 1867, p. 142.]

Authority to
organize.

(3022.) SECTION 1. *The People of the State of Michigan enact,* That corporations for the purpose of manufacturing cheese and other products from milk, with a capital stock of not less than one thousand dollars, may be formed under and in compliance with the provisions of an act entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three; and every such corporation, and the officers, directors, and stockholders thereof, shall have and possess all the rights, and be subject to all the liabilities, conditions, and obligations in and by said act, and the acts amendatory thereof, provided and imposed upon corporations formed thereunder, and upon the officers, directors, and stockholders thereof, except as herein otherwise provided.

Power to hold
real estate, etc.

(3023.) SEC. 2. Every corporation organized pursuant to the provisions and by authority of this act, shall, by its corporate name have power to acquire, own, and hold all such real and personal estate as may be necessary or convenient for the purpose of carrying on the business of such corporation, and the same, or any part thereof, convey, lease, or demise, mortgage, use, and dispose of at pleasure.

(3024.) SEC. 3. Corporations formed under this act shall be sub- Laws subject to.
ject to all general laws of this State relating to corporations that
may be applicable thereto; and the Legislature may amend or repeal
this act at any time.

SEC. 4. This act shall take immediate effect.

CHAPTER CIII.

HEALTH INSTITUTIONS.

An Act to provide for the formation of corporations for establishing health institutions.

[Approved March 13, 1867. *Laws of 1867, p. 63.*]

(3025.) SECTION 1. *The People of the State of Michigan enact,* Authorized to incorporate.
That corporations for the purpose of establishing institutions for
the treatment of disease, and imparting instruction in the princi-
ples of hygiene, may be formed under and in compliance with the
provisions of an act entitled "An act to authorize formation of
corporations for mining, smelting or manufacturing iron, copper,
mineral, coal, silver or other ores or minerals, and for other man-
ufacturing purposes," approved February fifth, eighteen hundred
and fifty-three; and every such corporation, and the officers, direct-
ors and stockholders thereof, shall have and possess all the rights,
and be subject to all the liabilities, conditions and obligations, in
and by said act and the acts amendatory thereof, provided and
imposed upon corporations formed thereunder, and upon the offi-
cers, directors and stockholders thereof, so far as the same may be
applicable to corporations organized by authority of this act.

(3026.) SEC. 2. Any corporation formed by authority of this act,
may hold and own personal property, not exceeding one hundred Property the corporation may hold.
thousand dollars in value, and may hold sufficient real estate for
the location of its buildings, and for its actual use in connection

Liable to tax.

therewith; and the same and all its personal property may sell, mortgage and dispose of at pleasure. Such real and personal estate shall be subject to taxation the same as other real and personal estate.

Subject to laws
of other corpo-
rations.

(3027.) SEC. 3. Corporations formed under this act shall be subject to all general laws of this State relating to corporations, that may be applicable thereto, and the Legislature may amend or repeal this act at any time.

SEC. 4. This act shall take immediate effect.

CHAPTER CIV.

HOSPITALS OR ASYLUMS.

An Act for the incorporation of hospitals or asylums in cases where valuable grants or emoluments have been made to trustees for such purposes.

[Approved March 20, 1863. Laws of 1863, p. 425.]

Corporations
authorized.

(3028.) SECTION 1. *The People of the State of Michigan enact,* That in all cases where lands, or any other property, amounting in value to five thousand dollars or upwards, have been or shall hereafter be given, granted, devised, or bequeathed to one or more trustees for the purpose of founding or endowing a hospital or other charitable asylum within this State, for the care or relief of indigent or other sick or infirm persons, and it shall, for the more effective and perfect administration of such trust, be deemed expedient by such trustees to organize themselves as a corporation, then the trustees in whom said lands and other property are for the time being vested, may become incorporated by executing under their hands, and acknowledging before some person in this State authorized to take the acknowledgment of deeds, duplicate articles of

Articles of in-
corporation.

incorporation, one of which shall be filed in the office of the Secretary of State, and one recorded in the clerk's office of the county or counties in this State, in which the office of such incorporation or association may be located; and upon the execution and acknowledgment of such articles, the signers thereof shall become and be a body politic and corporate, for the objects and purposes set forth in said articles; and they, their successors, and associates, shall continue to be such body corporate and politic, and may sue and be sued, take, hold, and convey real and personal estate, subject to the limitations hereinafter contained; may adopt a common seal, and change the same, and may exercise all the powers, and shall be subject to all the responsibilities, by law conferred and imposed.

To be filed and recorded.

Body corporate.

Powers of.

Seal.

(3029.) SEC. 2. Said articles shall contain and declare:

Contents of articles.

First. The name of such corporation, the city, town, or county in which such hospital or asylum is, or is to be located, and the period for which it is incorporated;

Second. The objects of said corporation, which shall be stated with all convenient fullness and certainty;

Third. The names of the trustees thereby incorporated;

Fourth. The number of persons who shall constitute the permanent board of trustees of such corporation, the mode of the election or appointment of the first board of trustees, the time for which the trustees shall be elected or appointed, and the mode in which their successors shall be elected or appointed;

Fifth. Such other officers of the corporation as may be deemed necessary;

Sixth. The time of holding the annual meeting;

Seventh. There shall also be annexed to such articles a copy of the deed, will, or other instrument by which the original gift, grant, devise, or bequest was made to such trustees.

(3030.) SEC. 3. The affairs of said corporation shall be managed by a board of trustees, not less than three nor more than fifteen in number, who shall be chosen or appointed in such manner as is fixed in the articles of the [in]corporation; such trustees shall hold for the term or time in such articles fixed, and until their successors are chosen: *Provided*, That when the number of trustees and the mode of the appointment of their successors is fixed in the deed, will, or other instrument of the original founder, the provisions relating thereto shall govern in said corporation, so far as consistent with the laws of this State. The other officers of said corporation shall be chosen by the trustees, from their own numbers or otherwise, as the trustees shall determine. A majority of such

Boards of trustees.

Term of office.

Proviso.

Officers.

- Constitution and by-laws binding until amended. cases the constitution and by-laws adopted by such corporation shall be binding upon and control the same until altered, changed, or abrogated, in the manner that may be prescribed in said constitution : *Provided*, That any amendment to said by-laws, or motion to repeal the same, shall be made at a meeting next previous to that on which a vote is to be taken to repeal or amend.
- Previso. (3008.) SEC. 3. Said corporation, by the name and style which shall be adopted, may receive and hold property and effects, real and personal, by gift, devise, or purchase, and dispose of the same by sale, lease, or otherwise, said property so held not to exceed at any time the sum of one hundred thousand dollars.
- Corporation may hold real and personal estate. (3009.) SEC. 4. The time and manner of holding elections, and making appointments of such officers as are not elected, shall be established by the constitution or by-laws of such corporation. The president and vice-presidents shall be *ex officio* members of the board of directors, and, together with the directors elected, shall manage the business of said corporation.
- Election and appointment of officers. (3010.) SEC. 5. Said corporation may constitute and appoint committees of reference and arbitrations, and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in rules or by-laws for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of such association, or by other persons not members thereof; the acting chairman of either of said committees, when sitting as arbitrators, may administer oaths to the parties and witnesses, and issue subpoenas and attachments compelling the attendance of witnesses, the same as justices of the peace, and in like manner directed to any constable to execute.
- Committee of reference, arbitration, and appeal. (3011.) SEC. 6. When any submission shall have been made in writing, and a final award shall have been rendered, and no appeal taken within the time fixed by the rules or by-laws, then on filing such awards and submission with the clerk of the circuit court of the county where either of the justices reside, an execution may issue upon such award as if it were a judgment rendered in the circuit court, and such award shall thenceforth have the force and effect of such a judgment, and shall be entered upon the judgment docket of said court.
- Powers of chairman. (3012.) SEC. 7. It shall be lawful for such corporation, when they shall think proper, to receive and require of and from their officers, whether elected [or] appointed, good and sufficient bonds for the faithful discharge of their duties and trusts; and the president, vice-presidents, or secretary is hereby authorized to admin-
- When execution may issue on award.
- Bond and oath of officers.

ister such oaths of office as may be prescribed in the by-laws of such corporation; said bond shall be made payable and conditioned as prescribed by the by-laws of such corporation, and may be sued, and the moneys collected and held for the use of the party injured, or such other use as may be determined upon by said corporation.

(3013.) SEC. 8. Said corporation shall have power to appoint one or more persons, as they may see fit, to examine, weigh, measure, gauge, or inspect flour, grain, provisions, liquor, lumber, or any other article of produce or traffic commonly dealt in by the members of said corporation; and the certificate of such person or inspector as to the quality or quantity of such article, or their brand or mark upon it, or upon any package containing such article, shall be evidence between-buyer and seller of the quantity, grade, or quality of the same, and shall be binding upon the members of said corporation, or others interested, and requiring or assenting to the employment of such weighers, measurers, gaugers, or inspectors; nothing herein contained, however, shall compel the employment by any one of any such appointee.

(3014.) SEC. 9. Said corporation may inflict fines upon any of its members and collect the same, for breach of its rules, regulations, or by-laws, but no fine shall exceed five dollars; such fines may be collected by action of debt before a justice of the peace, in the name of such corporation.

(3015.) SEC. 10. Such corporations shall have no power to do or carry on any business, excepting such as is usual in the management of boards of trade or chambers of commerce, as provided in the foregoing sections of this bill.

CHAPTER CI.

WAREHOUSE COMPANIES.

An Act to provide for the incorporation of associations for the purpose of constructing, owning, and controlling warehouses for the storage of grain and other commodities.

[Approved February 27, 1867. Laws of 1867, p. 34.]

Authority to incorporate.

(3016.) SECTION 1. *The People of the State of Michigan enact,* That any five or more persons, residents of this State, may associate themselves together as a body corporate, for the purpose of constructing, owning, and controlling warehouses for the storage of grain and other commodities;

Conditions.

(3017.) SEC. 2. Such persons shall, under their hands and seals, make and subscribe to a certificate which shall specify—

First. The name and business of said association;

Second. The amount of the capital stock thereof, and the amount of cash capital actually paid in;

Third. The number of shares into which said capital stock shall be divided, and it is hereby provided that such shares shall not be less than twenty-five dollars each;

Fourth. The names of the stockholders, their respective residences, and the numbers of shares held by each person;

Fifth. The amount of all property, real and personal, that may be held by such corporation;

Affidavits required.

Sixth. The term of the existence of said corporation, not to exceed thirty years;

Which certificate shall be verified by the affidavits of the persons subscribing the same, and be acknowledged before some officer

authorized to take the acknowledgment of deeds, and shall be recorded in the office of the Secretary of State and in the office of the clerk of the county in which such corporation is located.

(3018.) SEC. 3. Upon compliance by such persons with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real and personal estate that may be purchased by it, or that may be given, granted, or devised to it as a corporation, in accordance with the provisions of law at the time such gift, grant, or devise shall take effect, as may be necessary for the use and occupation of said corporation for the purposes of its business: *Provided*, That the whole amount of the real and personal estate of said corporation shall not exceed in value the sum of one hundred thousand dollars: *And provided further*, That all property of such corporation shall be subject to taxation, and shall be used for no other purpose than for the legitimate business of said corporation, as hereinbefore stated.

Declared a body corporate.

Proviso.

Proviso.

(3019.) SEC. 4. Any corporation formed under the provisions of this act is hereby authorized to erect a warehouse or warehouses on any portion of the real estate that may be owned or acquired by it in accordance with the preceding section, and to receive for storage therein grain and other commodities; to fix the price for such storage, and to make all necessary rules and regulations for the management of its said business.

Right to build, and receive grain, etc., on storage.

(3020.) SEC. 5. When any corporation shall be formed under this act, any three of those associated may call the first meeting of the corporation, at such time and place as they may appoint, by giving notice thereof by publishing the same two or more times in some newspaper printed in the county in which the place of business of said corporation is located, at least fifteen days before the time appointed for such meeting; at which meeting, or at any adjourned meeting thereof, the stockholders of said corporation may elect such officers of said corporation as they shall deem necessary for the proper management of the property and business of said corporation, and may also make all necessary by-laws and regulations for the proper management of their affairs: *Provided*, That said by-laws and regulations shall be in conformity with the provisions of chapter seventy-three of the Compiled Laws, relative to corporations.

Manner of calling the first meeting.

Election of officers.

Proviso.

(3021.) SEC. 6. All corporations formed under this act shall be subject to the general provisions of chapter seventy-three of the Compiled Laws, in all matters not herein enumerated and specified, so far as the same may be applicable thereto.

Other provisions

CHAPTER CII.

CHEESE MANUFACTURES.

An Act to authorize the formation of corporations for manufacturing cheese and other products from milk.

[Approved March 26. 1867. Laws of 1867, p. 143.]

Authority to
organize.

(3022.) SECTION 1. *The People of the State of Michigan enact,* That corporations for the purpose of manufacturing cheese and other products from milk, with a capital stock of not less than one thousand dollars, may be formed under and in compliance with the provisions of an act entitled "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three; and every such corporation, and the officers, directors, and stockholders thereof, shall have and possess all the rights, and be subject to all the liabilities, conditions, and obligations in and by said act, and the acts amendatory thereof, provided and imposed upon corporations formed thereunder, and upon the officers, directors, and stockholders thereof, except as herein otherwise provided.

Power to hold
real estate, etc.

(3023.) SEC. 2. Every corporation organized pursuant to the provisions and by authority of this act, shall, by its corporate name have power to acquire, own, and hold all such real and personal estate as may be necessary or convenient for the purpose of carrying on the business of such corporation, and the same, or any part thereof, convey, lease, or demise, mortgage, use, and dispose of at pleasure.

(3024.) SEC. 3. Corporations formed under this act shall be sub- Laws subject to.
ject to all general laws of this State relating to corporations that
may be applicable thereto; and the Legislature may amend or repeal
this act at any time.

SEC. 4. This act shall take immediate effect.

CHAPTER CIII.

HEALTH INSTITUTIONS.

An Act to provide for the formation of corporations for establishing health institutions.

[Approved March 13, 1867. Laws of 1867, p. 63.]

(3025.) SECTION 1. *The People of the State of Michigan enact,* Authorized to
That corporations for the purpose of establishing institutions for incorporate.
the treatment of disease, and imparting instruction in the principles of hygiene, may be formed under and in compliance with the provisions of an act entitled "An act to authorize formation of corporations for mining, smelting or manufacturing iron, copper, mineral, coal, silver or other ores or minerals, and for other manufacturing purposes," approved February fifth, eighteen hundred and fifty-three; and every such corporation, and the officers, directors and stockholders thereof, shall have and possess all the rights, and be subject to all the liabilities, conditions and obligations, in and by said act and the acts amendatory thereof, provided and imposed upon corporations formed thereunder, and upon the officers, directors and stockholders thereof, so far as the same may be applicable to corporations organized by authority of this act.

(3026.) SEC. 2. Any corporation formed by authority of this act, Property the
may hold and own personal property, not exceeding one hundred corporation may
thousand dollars in value, and may hold sufficient real estate for hold.
the location of its buildings, and for its actual use in connection

Liabie to tax.

therewith; and the same and all its personal property may sell, mortgage and dispose of at pleasure. Such real and personal estate shall be subject to taxation the same as other real and personal estate.

Subject to laws
of other corpo-
rations.

(3027.) SEC. 3. Corporations formed under this act shall be subject to all general laws of this State relating to corporations, that may be applicable thereto, and the Legislature may amend or repeal this act at any time.

SEC. 4. This act shall take immediate effect.

CHAPTER CIV.

HOSPITALS OR ASYLUMS.

An Act for the incorporation of hospitals or asylums in cases where valuable grants or emoluments have been made to trustees for such purposes.

[Approved March 20, 1863. Laws of 1863, p. 425.]

Corporations
authorized.

(3028.) SECTION 1. *The People of the State of Michigan enact,* That in all cases where lands, or any other property, amounting in value to five thousand dollars or upwards, have been or shall hereafter be given, granted, devised, or bequeathed to one or more trustees for the purpose of founding or endowing a hospital or other charitable asylum within this State, for the care or relief of indigent or other sick or infirm persons, and it shall, for the more effective and perfect administration of such trust, be deemed expedient by such trustees to organize themselves as a corporation, then the trustees in whom said lands and other property are for the time being vested, may become incorporated by executing under their hands, and acknowledging before some person in this State authorized to take the acknowledgment of deeds, duplicate articles of

Articles of in-
corporation.

incorporation, one of which shall be filed in the office of the Secretary of State, and one recorded in the clerk's office of the county or counties in this State, in which the office of such incorporation or association may be located; and upon the execution and acknowledgment of such articles, the signers thereof shall become and be a body politic and corporate, for the objects and purposes set forth in said articles; and they, their successors, and associates, shall continue to be such body corporate and politic, and may sue and be sued, take, hold, and convey real and personal estate, subject to the limitations hereinafter contained; may adopt a common seal, and change the same, and may exercise all the powers, and shall be subject to all the responsibilities, by law conferred and imposed.

To be filed and recorded.

Body corporate.

Powers of.

Seal.

(3029.) SEC. 2. Said articles shall contain and declare:

Contents of articles.

First. The name of such corporation, the city, town, or county in which such hospital or asylum is, or is to be located, and the period for which it is incorporated;

Second. The objects of said corporation, which shall be stated with all convenient fullness and certainty;

Third. The names of the trustees thereby incorporated;

Fourth. The number of persons who shall constitute the permanent board of trustees of such corporation, the mode of the election or appointment of the first board of trustees, the time for which the trustees shall be elected or appointed, and the mode in which their successors shall be elected or appointed;

Fifth. Such other officers of the corporation as may be deemed necessary;

Sixth. The time of holding the annual meeting;

Seventh. There shall also be annexed to such articles a copy of the deed, will, or other instrument by which the original gift, grant, devise, or bequest was made to such trustees.

(3030.) SEC. 3. The affairs of said corporation shall be managed by a board of trustees, not less than three nor more than fifteen in number, who shall be chosen or appointed in such manner as is fixed in the articles of the [in]corporation; such trustees shall hold for the term or time in such articles fixed, and until their successors are chosen: *Provided*, That when the number of trustees and the mode of the appointment of their successors is fixed in the deed, will, or other instrument of the original founder, the provisions relating thereto shall govern in said corporation, so far as consistent with the laws of this State. The other officers of said corporation shall be chosen by the trustees, from their own numbers or otherwise, as the trustees shall determine. A majority of such

Boards of trustees.

Term of office.

Proviso.

Officers.

By-laws.	trustees shall form a quorum, and may make by-laws, and alter the same, for the more orderly transaction of their business, and for the regulation of the care or relief to indigent and other sick and infirm persons. As soon as such corporation shall be duly organized, the individual trustees who hold or possess the lands or other property so given, granted, devised or bequeathed, shall forthwith convey and deliver the same to such corporation by deed or other proper mode of transfer, and said corporation shall thereupon and thereafter hold, possess and enjoy the same to the same extent, and for the same purposes, as designed and declared by the original donor.
Property to be conveyed to corporation.	
Corporation may receive by gift, etc.	(3031.) SEC. 4. Such corporation may, by gift, grant, devise, or bequest, take, receive, and hold any property, real or personal, but only for the purposes for which it is incorporated: <i>Provided</i> , That said corporation shall not hold any lands except such as shall be necessary for the direct and reasonable use or convenience of its hospital or asylum, for a longer period than ten years.
Proviso.	
Trustees not entitled to compensation.	(3032.) SEC. 5. No trustees of said corporation shall be entitled to any compensation except under some special employment by the board, or authority expressed in the original deed or instrument of trust.
Funds, how used.	(3033.) SEC. 6. All the funds of said corporation shall be faithfully and exclusively used for the purposes thereof, as set forth in its articles, and the same shall be wholly used within this State. Said corporation may invest its funds by loan, on mortgage security, or by purchase of any city, county, State, or United States bonds, or by loan on pledge of the same: <i>Provided</i> , That no loan of such funds shall be made to any trustee, officer, or servant of such corporation.
Proviso.	
Property exempt from taxation.	(3034.) SEC. 7. The property on which said asylum or institution building stands, together with said building, shall, while occupied for the objects and purposes thereof, be exempt from taxation.
Report of trustees.	(3035.) SEC. 8. Such corporation, whenever required by the Attorney General or the Legislature, shall make and exhibit a full statement of its affairs, under the oath of one or more of its trustees; and for any neglect so to report when required, each one of its officers, and all of the trustees so neglecting, shall be liable to a penalty of fifty dollars each, to be recovered by action of debt, in the name of the people of the State of Michigan: <i>Provided</i> , That said corporation may report to the Legislature each and every year after the establishment of such asylum or other institution, should they desire so to do.
Penalty for neglect to report.	
Proviso.	

CHAPTER CV.

CHARITABLE SOCIETIES.

An Act for the incorporation of charitable societies.

[Approved February 6, 1855. Laws of 1855, p. 28.]

(3036.) SECTION 1. *The People of the State of Michigan enact,* Corporations authorized.
That any three or more persons, who may desire to become incorporated for any charitable purpose, or for the purpose of erecting monuments within this State to commemorate any persons or events, may execute under their hands, and acknowledge before some person within this State, authorized to take the acknowledgments of deeds, one or more duplicate articles of agreement, as Articles of association.
hereinafter specified, one copy whereof shall be filed and recorded Where filed.
in the office of the Secretary of State, and a record shall be made of such articles, or of a certified copy thereof, in the clerk's office of the county or counties in this State in which the office of such association for the transaction of business may be located, and upon the execution and acknowledgment of such articles, the sign- Body politic.
ers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose set forth in said articles.¹

(3037.) SEC. 2. The articles of this association shall contain : Articles of association, what to contain.
First. The names of the persons associating in the first instance, and their places of residence ;

¹As amended by Act 64 of the Laws of 1864, p. 124, approved and took effect February 6, 1864.

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, which shall be stated with convenient certainty, and expressly;

Fourth. The number of its trustees and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership therein.

Corporations
managed by
trustees.

(3038.) SEC. 3. The affairs of each corporation shall be managed by not less than five nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees. The officers may be chosen by the trustees or by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by the trustees, who may change them at pleasure. A majority of the trustees shall be a quorum to transact business.¹

Choosing officers

By-laws.

A quorum.

Corporation not
to hold real
estate.

(3039.) SEC. 4. No such corporation shall have power to take or hold any real estate except such as may be necessary for any hospital, asylum, or monument under its control, or for the transaction of its business, for a longer term than ten years.²

How funds shall
not be invested.

(3040.) SEC. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested, and the income thereof used (after paying ensuing expenses), for the exclusive purpose set forth in the articles of association, and no portion of the funds of such corporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by such corporation. Such corporation may take by gift, purchase, or devise, property to an amount not exceeding one hundred thousand dollars, and it shall be lawful to invest the same upon mortgage, or in or by loan on bonds, or any city, county, State, or United States securities; but no loan shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be speci-

Amount cor-
poration may
take by gift;
how invested.

Articles of
agreement may
specify how to
invest.

¹ As amended by Act 143 of the Laws of 1867, p. 193, approved and took effect March 27, 1867.

² Vide note to section 1 of this act.

fied in the articles or agreement, then such funds shall only be invested in such securities as are specified in this act.¹

(3041.) SEC. 6. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt, in the name of the people of the State of Michigan.

Society may be required by Attorney General or Legislature to make report.

Penalty for neglect.

SEC. 7. This act shall take effect immediately.

CHAPTER CVI.

INDUSTRIAL AND OTHER CHARITABLE SCHOOLS.

An Act for the incorporation of industrial and other charitable schools.

[Approved March 27, 1867. Laws of 1867, p. 186.]

(3042.) SECTION 1. *The People of the State of Michigan enact,* How incorporated. That any three or more persons, who may desire to become incorporated for the purpose of maintaining industrial schools for the relief and instruction of the children of the poor, or the maintenance of homes for vagrant and friendless children, or the instruction of children generally in the various mechanical trades or other avocations of life, or for the purpose of one or all of these objects united, may execute, under their hands, and acknowledge before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a second shall

¹ As amended by Act 82 of the Laws of 1871, p. 33, approved and took effect March 6, 1871.

be made of such articles, or a certified copy thereof, in the clerk's office of the county or counties in this State, in which the office of said association for the transaction of business may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose or purposes set forth in said articles.

Articles of association.
Contents.

(3043.) SEC. 2. The articles of this association shall contain—

First. The names of the persons associating in the first instances, with their places of residence;

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, which shall be stated with convenient certainty, and expressly;

Fourth. The number of its trustees and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership therein.

Number of trustees.

(3044.) SEC. 3. The affairs of such corporation shall be managed by not less than five nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees, and the treasurer and secretary shall be chosen from said trustees. The officers may be chosen by said trustees, or by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by such trustees, who may change them at their pleasure. A majority of the trustees shall be a quorum to transact business, and all of such trustees shall be citizens of the United States, and residents of the State of Michigan.

How officers are chosen.

Majority of trustees a quorum.

Power to hold real estate.

(3045.) SEC. 4. No such corporation shall have power to take and hold any real estate, except such as may be necessary for any schools, shops or other buildings under its control, or for the transaction of its business and carrying out of its purposes, for a longer period than ten years.

How funds are to be used.

(3046.) SEC. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested, and the income thereof used (after paying necessary expenses), for the exclusive purpose or purposes set forth in the articles of association; and no portion thereof shall be used for any such purpose or purposes, except within this State, and no portion of the funds of any such corporation shall be used or contributed towards the erection, com-

pletion, or furnishing of any building not owned or used by such corporation. Such corporation may take by gift, purchase, or devise, property to an amount not exceeding one hundred thousand dollars, and it shall be lawful to invest the same upon mortgage, or in city, county, State, or government securities, but no loan of its funds shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of association, specify the kind of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in its articles of association, then such funds shall only be invested in such securities as are specified in this act.

Amount of
property limited

How invested.

Proviso.

Investments.

(3047.) SEC. 6. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt in the name of the people of the State of Michigan.

To report under
oath.

Penalty of neg-
lect.

CHAPTER CVII.

FATHER MATHEW TOTAL ABSTINENCE BENEVO- LENT SOCIETIES.

An Act to provide for the incorporation of the "Father Mathew Total Abstinence Benevolent Societies."

[Approved February 24, 1860. Laws of 1860, p. 21.]

(3048.) SECTION 1. *The People of the State of Michigan enact*, That any society of the "Father Mathew Total Abstinence Benevolent Societies," of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Incorporation
authorized.

Number of
corporators.

Articles; how
executed and
what to set forth

(3049.) SEC. 2. Any ten or more persons, residents of this State, and members of any society of the "Father Mathew Total Abstinence Benevolent Society," of the State of Michigan, desirous to become incorporated, may, on the consent of said society, make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth—

First. The names of the persons associating in the first instance, and their places of residence;

Second. The name and location of the society of which they are members;

Third. The corporate name by which such association shall be known in the law;

Fourth. The object and purposes of such association, which shall be to promote the general welfare of the fraternity known as the "Father Mathew Total Abstinence Benevolent Society," and the period for which it is incorporated, not exceeding thirty years.

Articles of asso-
ciation; where
filed and record-
ed.

(3050.) SEC. 3. A copy of said articles of association, together with a copy of the charter or constitution, of which the persons executing said articles are members, shall be filed and recorded in the office of the Secretary of State, and a duplicate of said articles shall be filed with the county clerk of the county in which such corporation shall be formed and located; and shall be recorded at length by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates, and successors, shall be a body politic and corporate, by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, take, receive, hold, and enjoy, to them and their successors, estates real and personal; of suing and being sued; and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided*, That the value of their real and personal estate shall not exceed the sum of fifty thousand dol-

Corporate rights

Proviso.

Value of real
and personal
estate.

lars, and that they and their successors shall have authority and power to give, grant, sell, lease, devise, mortgage, and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents, and increase shall be devoted exclusively to the charitable and benevolent purposes of the "Father Mathew Total Abstinence Benevolent Society." Said

corporation shall have full power and authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation, not contrary to the laws of this State and the United States, and to designate, elect, or appoint from among their members, such officers, under such names and style as shall be in accordance with the constitution or charter of said society, who shall have the supervision, control, and management of the affairs of said corporation.¹

May establish rules, regulations, etc.

To elect members.

(3051.) SEC. 4. A copy of the record of such articles of association, under the seal of the county clerk where the said record is kept, and duly certified to by him, shall be received as *prima facie* evidence in all the courts of this State, of the existence and due incorporation of such corporation.

Effect of copy of record.

(3052.) SEC. 5. Any corporation formed in pursuance of this act may erect and own such suitable edifices, building, or hall as such corporation shall deem proper, with convenient rooms for the meeting of the fraternity of Father Mathew Total Abstinence Benevolent Society, and for that purpose may create a capital stock of not more than fifty thousand dollars, to be divided into shares of not more than fifty dollars each; and any such corporation may take, purchase, hold, and own a suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful and needful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

May erect buildings for meetings.

May own land for cemetery.

(3053.) SEC. 6. All corporations formed under the provisions of this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Corporations subject to laws of this State.

SEC. 7. This act shall take immediate effect.

¹As amended by Act 14 of the Laws of 1871, p. 17, approved and took effect February 21, 1871.

CHAPTER CVIII.

RELIGIOUS SOCIETIES.

An Act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control, and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of the Revised Statutes.

[Approved February 13, 1855. Took effect May 16, 1855. Laws of 1855, p. 313.]

Chapter 52 of
Revised Statutes
of 1846 repealed.

(3054.) SECTION 1. *The People of the State of Michigan enact,* That chapter fifty-two of the Revised Statutes of eighteen hundred and forty-six, entitled, "Of religious societies," be and the same is hereby repealed, saving all rights which may have accrued under the same, subject to the modifications provided in this act.

Five or more
may organize
and elect trustees.

(3055.) SEC. 2. It shall be lawful for any number of persons, of full age, not less than five, who may be desirous of forming themselves into a church, congregation, or religious society, and who shall sign articles of association for that purpose, to assemble together, at such place as they may select, and by a plurality of votes, by ballot, elect any number of discreet persons, being laymen, not less than three nor more than nine in number, as trustees, to take charge of the property belonging to, and transact all the affairs relative to the temporalities of such church, congregation, or religious society. At any time after such society shall have become duly organized, it shall be lawful for any such church, congregation, or religious society, at a meeting thereof, called in accordance with the provisions of this act, by a vote of two-thirds of the members of such society entitled to vote, present at any such meeting, to amend its articles of association, in any manner not inconsistent with the provisions of this act, and such amend-

Amendment of
articles of asso-
ciation author-
ized.

ments shall become operative, on filing a copy of the same, certified by the moderator, chairman, or president, and clerk of such meeting, with the clerk of the county where such society is organized.¹

Amendments to be filed with county clerk.

(3056.) SEC. 3. It shall be lawful for any such church, congregation, or religious society, to choose their minister, priest, curate, rector, parson, or officiating clergyman, for the time being, to be the president of said corporation and of their meetings, by a vote as aforesaid; and at the first election provided for in this act, every person who shall have signed the articles, and at any subsequent elections every person of full age, who has for six months been a stated worshiper with, or a contributor regularly for one year previous to the support of such church, congregation, or society, shall be entitled to vote.

Minister, etc., may be president.

Qualifications of voters.

(3057.) SEC. 4. The minister, priest, rector, curate, parson, or officiating clergyman of such congregation or society, or if none of them be present, one of the elders or deacons, church-wardens, or vestrymen thereof, and for want of such officers, any other person being a member or stated hearer in such church, congregation, or society, shall publicly notify said congregation of the time when, and the place where, any election shall be held, at least fifteen days before the day of such election, and such notification shall be given for two successive Sabbaths on which such church, congregation, or society shall statedly meet for public worship, next preceding the election.

Notice of election, how given.

(3058.) SEC. 5. Any two of the elders, deacons, church-wardens, or vestrymen of such church, congregation, or society, or if such officers shall not be present, then any two voters present, to be nominated by a majority of the voters, shall be inspectors of such election, receive the votes, and determine the qualification of voters; and they shall immediately after the election certify, under their hands and seals, the names of persons elected to serve as trustees or vestrymen; in which certificate the name by which the said trustees or vestrymen and their successors in office shall forever thereafter be known and called, shall be particularly mentioned and specified, and such trustees may in said certificate be denominated vestrymen, or church-wardens and vestrymen, executive committee, or any other name stated in the certificate: *Provided always*, That they shall have all the power specified in this act, and be elected in the manner provided for in this act.

Who to be inspectors of election, etc.

Certificate to be made, stating name of trustees, corporate name, etc.

Proviso.

¹ As amended by Act 17 of the Laws of 1862. p. 48, approved January 18, 1862.

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, which shall be stated with convenient certainty, and expressly;

Fourth. The number of its trustees and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership therein.

Corporations
managed by
trustees.

(3038.) SEC. 3. The affairs of each corporation shall be managed by not less than five nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees. The

Choosing officers

officers may be chosen by the trustees or by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by the trustees, who may change them at pleasure. A majority of the trustees shall be a quorum to transact business.¹

By-laws.

A quorum.

Corporation not
to hold real
estate.

(3039.) SEC. 4. No such corporation shall have power to take or hold any real estate except such as may be necessary for any hospital, asylum, or monument under its control, or for the transaction of its business, for a longer term than ten years.²

How funds shall
not be invested.

(3040.) SEC. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested, and the income thereof used (after paying ensuing expenses), for the exclusive purpose set forth in the articles of association, and no portion of the funds of such corporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by such corporation. Such corporation may take by gift, purchase, or devise, property to an amount not exceeding one hundred thousand dollars, and it shall be lawful to invest the same upon mortgage, or in or by loan on bonds, or any city, county, State, or United States securities; but no loan shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be speci-

Amount cor-
poration may
take by gift:
how invested.

Articles of
agreement may
specify how to
invest.

¹ As amended by Act 148 of the Laws of 1867, p. 193, approved and took effect March 27, 1867.

² Vide note to section 1 of this act.

fied in the articles or agreement, then such funds shall only be invested in such securities as are specified in this act.¹

(3041.) SEC. 6. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt, in the name of the people of the State of Michigan.

Society may be required by Attorney General or Legislature to make report.

Penalty for neglect.

SEC. 7. This act shall take effect immediately.

CHAPTER CVI.

INDUSTRIAL AND OTHER CHARITABLE SCHOOLS.

An Act for the incorporation of industrial and other charitable schools.

[Approved March 27, 1867. Laws of 1867, p. 186.]

(3042.) SECTION 1. *The People of the State of Michigan enact,* That any three or more persons, who may desire to become incorporated for the purpose of maintaining industrial schools for the relief and instruction of the children of the poor, or the maintenance of homes for vagrant and friendless children, or the instruction of children generally in the various mechanical trades or other avocations of life, or for the purpose of one or all of these objects united, may execute, under their hands, and acknowledge before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a second shall

How incorporated.

¹As amended by Act 92 of the Laws of 1871, p. 88, approved and took effect March 6, 1871.

be made of such articles, or a certified copy thereof, in the clerk's office of the county or counties in this State, in which the office of said association for the transaction of business may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose or purposes set forth in said articles.

Articles of association.
Contents.

(3043.) SEC. 2. The articles of this association shall contain—

First. The names of the persons associating in the first instances, with their places of residence;

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, which shall be stated with convenient certainty, and expressly;

Fourth. The number of its trustees and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership therein.

Number of trustees.

(3044.) SEC. 3. The affairs of such corporation shall be managed by not less than five nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees, and the treasurer and secretary shall be chosen from said trustees. The officers may be chosen by said trustees, or by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by such trustees, who may change them at their pleasure. A majority of the trustees shall be a quorum to transact business, and all of such trustees shall be citizens of the United States, and residents of the State of Michigan.

How officers are chosen.

Majority of trustees a quorum.

Power to hold real estate.

(3045.) SEC. 4. No such corporation shall have power to take and hold any real estate, except such as may be necessary for any schools, shops or other buildings under its control, or for the transaction of its business and carrying out of its purposes, for a longer period than ten years.

How funds are to be used.

(3046.) SEC. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested, and the income thereof used (after paying necessary expenses), for the exclusive purpose or purposes set forth in the articles of association; and no portion thereof shall be used for any such purpose or purposes, except within this State, and no portion of the funds of any such corporation shall be used or contributed towards the erection, com-

pletion, or furnishing of any building not owned or used by such corporation. Such corporation may take by gift, purchase, or Amount of property limited devise, property to an amount not exceeding one hundred thousand dollars, and it shall be lawful to invest the same upon mortgage, How invested. or in city, county, State, or government securities, but no loan of its funds shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of Proviso. association, specify the kind of securities in which its funds shall Investments. be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in its articles of association, then such funds shall only be invested in such securities as are specified in this act.

(3047.) SEC. 6. Any corporation formed under this act shall, To report under oath. whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish such report Penalty of neglect. when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt in the name of the people of the State of Michigan.

CHAPTER CVII.

FATHER MATHEW TOTAL ABSTINENCE BENEVO- LENT SOCIETIES.

An Act to provide for the incorporation of the "Father Mathew Total Abstinence Benevolent Societies."

[Approved February 24, 1869. Laws of 1869, p. 21.]

(3048.) SECTION 1. *The People of the State of Michigan enact*, Incorporation authorized. That any society of the "Father Mathew Total Abstinence Benevolent Societies," of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Number of
corporators.

Articles; how
executed and
what to set forth

(3049.) SEC. 2. Any ten or more persons, residents of this State, and members of any society of the "Father Mathew Total Abstinence Benevolent Society," of the State of Michigan, desirous to become incorporated, may, on the consent of said society, make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth—

First. The names of the persons associating in the first instance, and their places of residence;

Second. The name and location of the society of which they are members;

Third. The corporate name by which such association shall be known in the law;

Fourth. The object and purposes of such association, which shall be to promote the general welfare of the fraternity known as the "Father Mathew Total Abstinence Benevolent Society," and the period for which it is incorporated, not exceeding thirty years.

Articles of asso-
ciation; where
filed and record-
ed.

(3050.) SEC. 3. A copy of said articles of association, together with a copy of the charter or constitution, of which the persons executing said articles are members, shall be filed and recorded in the office of the Secretary of State, and a duplicate of said articles shall be filed with the county clerk of the county in which such corporation shall be formed and located; and shall be recorded at length by such clerk in a book to be kept in his office for that

Corporate rights

purpose; and thereupon the persons who shall have signed such articles of association, their associates, and successors, shall be a body politic and corporate, by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, take, receive, hold, and enjoy, to them and their successors, estates real and personal; of suing and being sued; and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided*, That the value of their real and personal estate shall not exceed the sum of fifty thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, devise, mortgage, and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents, and increase shall be devoted exclusively to the charitable and benevolent purposes of the "Father Mathew Total Abstinence Benevolent Society." Said

Proviso.

Value of real
and personal
estate.

corporation shall have full power and authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation, not contrary to the laws of this State and the United States, and to designate, elect, or appoint from among their members, such officers, under such names and style as shall be in accordance with the constitution or charter of said society, who shall have the supervision, control, and management of the affairs of said corporation.¹

May establish rules, regulations, etc.

To elect members.

(3051.) SEC. 4. A copy of the record of such articles of association, under the seal of the county clerk where the said record is kept, and duly certified to by him, shall be received as *prima facie* evidence in all the courts of this State, of the existence and due incorporation of such corporation.

Effect of copy of record.

(3052.) SEC. 5. Any corporation formed in pursuance of this act may erect and own such suitable edifices, building, or hall as such corporation shall deem proper, with convenient rooms for the meeting of the fraternity of Father Mathew Total Abstinence Benevolent Society, and for that purpose may create a capital stock of not more than fifty thousand dollars, to be divided into shares of not more than fifty dollars each; and any such corporation may take, purchase, hold, and own a suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful and needful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

May erect buildings for meetings.

May own land for cemetery.

(3053.) SEC. 6. All corporations formed under the provisions of this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Corporations subject to laws of this State.

SEC. 7. This act shall take immediate effect.

¹As amended by Act 14 of the Laws of 1871, p. 17, approved and took effect February 21, 1871.

CHAPTER CVIII.

RELIGIOUS SOCIETIES.

An Act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control, and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of the Revised Statutes.

[Approved February 13, 1855. Took effect May 16, 1855. Laws of 1855, p. 313.]

Chapter 52 of
Revised Statutes
of 1846 repealed.

(3054.) SECTION 1. *The People of the State of Michigan enact,* That chapter fifty-two of the Revised Statutes of eighteen hundred and forty-six, entitled, "Of religious societies," be and the same is hereby repealed, saving all rights which may have accrued under the same, subject to the modifications provided in this act.

Five or more
may organize
and elect trustees.

(3055.) SEC. 2. It shall be lawful for any number of persons, of full age, not less than five, who may be desirous of forming themselves into a church, congregation, or religious society, and who shall sign articles of association for that purpose, to assemble together, at such place as they may select, and by a plurality of votes, by ballot, elect any number of discreet persons, being laymen, not less than three nor more than nine in number, as trustees, to take charge of the property belonging to, and transact all the affairs relative to the temporalities of such church, congregation, or religious society. At any time after such society shall have become duly organized, it shall be lawful for any such church, congregation, or religious society, at a meeting thereof, called in accordance with the provisions of this act, by a vote of two-thirds of the members of such society entitled to vote, present at any such meeting, to amend its articles of association, in any manner not inconsistent with the provisions of this act, and such amend-

Amendment of
articles of asso-
ciation author-
ized.

ments shall become operative, on filing a copy of the same, certified by the moderator, chairman, or president, and clerk of such meeting, with the clerk of the county where such society is organized.¹

Amendments to be filed with county clerk.

(3056.) SEC. 3. It shall be lawful for any such church, congregation, or religious society, to choose their minister, priest, curate, rector, parson, or officiating clergyman, for the time being, to be the president of said corporation and of their meetings, by a vote as aforesaid; and at the first election provided for in this act, every person who shall have signed the articles, and at any subsequent elections every person of full age, who has for six months been a stated worshiper with, or a contributor regularly for one year previous to the support of such church, congregation, or society, shall be entitled to vote.

Minister, etc., may be president.

Qualifications of voters.

(3057.) SEC. 4. The minister, priest, rector, curate, parson, or officiating clergyman of such congregation or society, or if none of them be present, one of the elders or deacons, church-wardens, or vestrymen thereof, and for want of such officers, any other person being a member or stated hearer in such church, congregation, or society, shall publicly notify said congregation of the time when, and the place where, any election shall be held, at least fifteen days before the day of such election, and such notification shall be given for two successive Sabbaths on which such church, congregation, or society shall statedly meet for public worship, next preceding the election.

Notice of election, how given.

(3058.) SEC. 5. Any two of the elders, deacons, church-wardens, or vestrymen of such church, congregation, or society, or if such officers shall not be present, then any two voters present, to be nominated by a majority of the voters, shall be inspectors of such election, receive the votes, and determine the qualification of voters; and they shall immediately after the election certify, under their hands and seals, the names of persons elected to serve as trustees or vestrymen; in which certificate the name by which the said trustees or vestrymen and their successors in office shall forever thereafter be known and called, shall be particularly mentioned and specified, and such trustees may in said certificate be denominated vestrymen, or church-wardens and vestrymen, executive committee, or any other name stated in the certificate: *Provided always*, That they shall have all the power specified in this act, and be elected in the manner provided for in this act.

Who to be inspectors of election, etc.

Certificate to be made, stating name of trustees, corporate name, etc.

Proviso.

¹ As amended by Act 17 of the Laws of 1862, p. 48, approved January 18, 1862.

Certificate to be
acknowledged.

Recorded by
county clerk.

Body corporate.

Common seal of
corporation.
Trustees to take
possession of
property.
Kernan, 94.

Rights and pow-
ers of trustees.

Limitation of
time for holding
certain property

When land shall
revert to donor
or grantor.

Powers of trust-
ees.

(3059.) SEC. 6. Such certificate shall be acknowledged by the person making the same, or proved by a subscribing witness thereto, before some officer authorized to take acknowledgment of deeds; and said certificate, with the certificate of acknowledgment or proof thereof, and the articles of association, shall be recorded by the clerk of the county within which the church or place of worship of such congregation shall be situated, in a book to be by him provided for that purpose, who shall be entitled to ten cents for each folio for recording the same; and thereafter such trustees and their successors shall be a body corporate by the name expressed in such certificate.¹

(3060.) SEC. 7. Such trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody all the temporalities of such church, congregation, or society, whether the same shall consist of real or personal estate, and whether the same may have been given, granted, or devised, directly or indirectly, to such church, congregation, or society, or to any other person or persons for their use.

(3061.) SEC. 8. Such trustees may, also, in their corporate name, sue and be sued in all courts and places; and they may recover and hold all the debts, demands, rights, and privileges, all churches, buildings, burying-places, and all the estate and appurtenances belonging to such church, congregation, or society, in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in said trustees; and they may hold moneys or personal estate, raised or acquired for the purpose of erecting churches, or houses of residence for their minister or priest, or for the purchase of burial-ground, for a period not exceeding one year before investment thereof, and not exceeding the value or amount of twenty thousand dollars; and they may hold, for a period not exceeding three years, any land which may be lawfully conveyed to them not exceeding five thousand dollars in value, to be sold for the purpose of raising a fund for erecting, repairing, or improving a church or churches, or other building aforesaid, or for the purchase or improvement of any cemetery or burial-ground. But all such lands shall revert to the donor or grantor, his or her heirs or assigns, if not disposed of within the time aforesaid.

(3062.) SEC. 9. The said trustees, or wardens and vestrymen, shall also have authority, under the direction of the society, to sell

¹ As amended by Act 147 of the Laws of 1861, p. 228, approved March 12, 1861.

and convey, mortgage, or release [lease] any real estate belonging to such society, or held by them as such trustees, or wardens and vestrymen, and to erect churches and meeting-houses, and dwelling-houses for their ministers or priests, and other buildings for the direct and legitimate use of their church, congregation, or society, and to alter and repair the same, but for no secular purpose: *Provided*, That no such sale or conveyance shall be made in any case where it would be inconsistent with the express terms or plain intent of the grant, donation, conveyance, or devise by which the same was conveyed or devised to or for the use of such church, congregation, or society; nor unless the vote or assent of at least two-thirds of those present and entitled to vote, at any meeting of the society duly and specially called for that purpose, shall be obtained therefor.¹

(3063.) SEC. 10. They shall also have authority to make rules and orders for managing the temporal affairs of such church, congregation, or society, and to dispose of all moneys belonging thereto, and to order and regulate the renting of pews or slips in their meeting-houses and churches, and the perquisites for the breaking of the ground and burial of the dead in the cemetery or churchyard, and in the said churches or meeting-houses.

(3064.) SEC. 11. They may appoint a clerk and a treasurer of their board, and a collector to collect their rents and revenues, and may regulate the fees to be allowed such clerk, treasurer, and collector, and may remove them and appoint others in their stead, at pleasure; and such clerk shall enter all rules and orders made by such trustees, and payments ordered by them, in a book to be procured by them for that purpose.

(3065.) SEC. 12. Any two of the trustees may at any time call a meeting of the trustees, and a majority of them, being lawfully convened, shall be competent to do and perform all matters and things which such trustees are authorized to do and perform; and said trustees may elect the minister, priest, curate, rector, parson, or officiating clergyman of said society, for the time being, to preside at such meetings, who shall have no vote except in case of a tie of the board, when he shall have a casting vote.

(3066.) SEC. 13. The said trustees shall hold their offices for three years; and immediately after their first election, as hereinbefore provided, the said trustees shall be divided by lot into three classes, numbered one, two, and three; and the seats of the first

¹ As amended by Act 41 of the Laws of 1869, p. 67, approved and took effect March 17, 1869.

Articles may provide for annual election of whole board of trustees.

class shall be vacated at the end of the first year, of the second class at the end of the second year, and of the third class at the end of the third year, to the end that, as near as may be, one-third part of the whole number of the trustees may be annually chosen: *Provided however,* That any persons entering into articles of association, as aforesaid, may provide in said articles for the election of the whole board of trustees once in each year, at such time as they may appoint, in the manner above prescribed, and said whole number may be elected in conformity to such provisions.

Clerk to notify minister, etc., of expiration of office of trustees

(3067.) SEC. 14. It shall be the duty of the clerk of said trustees, at least one month before the expiration of the office of any of said trustees, to notify the same in writing, to the minister, priest, curate, rector, parson, or officiating clergyman, or in case of his death or absence, to the elders or church-wardens, or if there be no elders or church-wardens, then to the deacons or vestrymen of any such church, congregation, or society, specifying in such notice the names of the trustees whose office will expire; and the minister, priest, curate, rector, parson, or other officer receiving such notice shall, in manner aforesaid, notify the members of such church, congregation, or society, of such vacancies, and appoint the time and place for the election to supply the same.

Minister to notify members and appoint election.

Election to be held six days before expiration of term.

(3068.) SEC. 15. Such election shall be held at least six days before vacancies shall occur as aforesaid; and all such subsequent elections shall be held and conducted by the like persons, and in the same manner, as hereinbefore provided for the first election; and in case any vacancy shall occur by the death of a trustee, his refusal to act, or removal from the society before his term of office expires, or otherwise, notice thereof shall be given as aforesaid, and an election shall be held and another trustee chosen in his stead for the remainder of his term.

Vacancies to be filled for remainder of term.

Certain persons not entitled to vote.

(3069.) SEC. 16. No person belonging to any such church, congregation, or society, incorporated under the provisions of this act, shall be entitled to vote at any election after the first until he shall have been an attendant on public worship in such church, congregation, or society at least six months next before such election, and shall have contributed to the support of such church, congregation, or society according to the usages and customs thereof.

Clerk to register names of stated hearers, etc.

(3070.) SEC. 17. The clerk of the trustees shall keep a register of the names of all such persons as shall desire to become stated hearers in the said church, congregation, or society, and shall therein note the time when such request was made; and the said

clerk shall attend all subsequent elections, in order to test the qualifications of such voters, in case they shall be questioned.

(3071.) SEC. 18. Nothing in this act contained shall be construed to give such trustees the power to fix or ascertain the salary or compensation to be paid any minister or priest, curate, rector, or parson, but the same shall be ascertained and fixed by a majority of such society, entitled to vote at the election of trustees.

Trustees not to have power to fix salary of minister, etc.

(3072.) SEC. 19. It shall be lawful for the circuit court for the county in which any such religious corporation shall have been constituted, on the application of such corporation, if such court shall deem it proper, to make an order for the sale of any real estate belonging to such corporation, and to direct the application of the moneys arising therefrom to such uses as the said corporation, with the approbation of said court, shall conceive to be for the interest of such corporation: *Provided*, That no such sale shall be authorized by the court in any case where it would be inconsistent with the express terms or plain intent of the grant, donation, conveyance, or devise by which the same was conveyed or devised to or for the use of such church, congregation, or society, prior to the passage of this act.

Court may grant order of sale of real estate of corporation in certain cases.

Proviso.

(3073.) SEC. 20. At least thirty days' previous notice of any such application to the circuit court shall be given by publishing the same in some newspaper published in the county, if one be there published, if not, by posting up notices in three or more public places in such county.

Notice of application for order.

(3074.) SEC. 21. All lands, tenements, and hereditaments, that have been or may hereafter be lawfully conveyed by devise, gift, grant, purchase, or otherwise, to any persons as trustees in trust, for the use of any church, congregation, or religious society, organized, or which may be hereafter organized, within this State, either for a meeting-house, burial ground, or for the residence of a preacher or priest, shall vest and descend, with the improvements, in perpetual succession to, and shall be held by, the trustees provided for in this act, in trust for such church, congregation or society.

Lands, etc., conveyed to trustees, to be held in trust.

(3075.) SEC. 22. No bishop, vicar, rector, parson, curate, priest, deacon, or other officer of any church, religious body, order, society, or association; no superior or other officer or member, male or female, of any religious order, ecclesiastical or lay, nor of any ecclesiastical, educational, or charitable institution or establishment, shall, in consequence of such office or membership, or in the char-

No officer of any church to hold property in official capacity.

acter or capacity of such officer or member, have, possess, or exercise, any power, capacity, or franchise, of a corporation sole, so far as relates to the taking, holding, managing, selling or transmitting property; and every gift, grant, devise, bequest, conveyance, or lease of any real estate, or any interest therein, or any use or benefit to arise therefrom, or of money, or of other property to be invested therein or to arise therefrom, hereafter made, or attempted to be made, by deed, will, or otherwise, to any such officer or member, by his or her name of office or membership, or in the character of such officer or member, shall be utterly void, to all intents and purposes; and no corporation, for religious, ecclesiastical, educational, or charitable purposes, shall be recognized as existing by the common law, the canon law, or by prescription, or in any other manner, except by express statute of this State: *Provided*, That this section shall in no way invalidate any right of property or right of action heretofore vested: *And provided further*, That this section is not intended as any implication or admission of any previous corporate capacity incident to such official character or membership, as herein above mentioned.

(3076.) SEC. 23. Neither the canon law, nor the decrees, nor any decree or order of any ecclesiastical council or body, nor any custom or usage founded thereon, nor any custom or usage of any church, congregation, or religious society, or religious order, shall hereafter be recognized or enforced in this State, so far as such law, usage, or custom shall relate to the acquisition, the tenure, or the control or disposition of any real estate, or any interest therein, or any use or trust connected or to be connected therewith: *Provided nevertheless*, That this section shall not in any manner impair or invalidate any grant, devise, or other conveyance heretofore made, nor shall this section be construed as a recognition of the prior legality or obligation of such law, usage, or custom, in this State.

SEC. 24.¹

SEC. 25.¹

(3077.) SEC. 26. No grant, conveyance, devise, or lease, of any real estate, dedicated or appropriated to the purposes of religious worship, or for any religious or ecclesiastical purposes, or appearing to be intended to be managed or controlled by any congregation or society, or any officer or officers thereof, in his or their official capacity, shall hereafter vest any right, title, or interest in

¹ Repealed by Act 83 of the Laws of 1867, p. 41, saving accrued rights. See 10 Mich. 341. 13 Mich. 44, 16 Mich. 405 and 424.

any person or persons to whom such grant, conveyance, devise, or lease may be made, unless the same shall be made to a corporation organized under some statute of this State, or of the late Territory of Michigan, or under the provisions of this act, or some act hereafter passed, amending or altering the same.

(3078.) SEC. 27. Every church, congregation, or religious society, heretofore incorporated in pursuance of any statute of this State, or of the late Territory of Michigan, and not since dissolved, shall be and is hereby established and confirmed, subject, nevertheless, to the provisions of this act, so far as they may be constitutionally subjected thereto, without impairing rights heretofore legally vested. And all vacancies which may hereafter occur in the office of trustee of any church or religious society, heretofore incorporated under any statute of this State, or of the late Territory of Michigan, shall be filled by an election, as provided for the filling of vacancies in such office under this act; and in case of the dissolution of any such corporation, or of any corporation hereafter to be formed in pursuance of the provisions of this act, for any cause whatever, the same may be incorporated under the provisions of this act, at any time within six years after such dissolution, and thereupon all the estate, real and personal, formerly belonging to the same, and not lawfully disposed of, shall vest in such corporation, as if there had been no dissolution.

Existing societies confirmed, subject to this act.

Certain vacancies may be filled and societies re-organized under this act.

(3079.) SEC. 28. The provisions of this chapter shall apply to all churches, religious congregations, religious societies, religious and ecclesiastical orders, and every association of persons for religious purposes.

Act to apply to all religious societies.

An Act to provide for the organization of Protestant Episcopal Churches.

[Approved February 17, 1857. *Laws of 1857, p. 410.*]

(3080.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any six or more persons, professing attachment to the Protestant Episcopal Church, to execute and acknowledge, before any person authorized to take acknowledgments of deeds, one or more duplicate articles of agreement in writing, whereby they shall agree to organize a church according to the usages of the Protestant Episcopal Church, by the name and style set forth in such articles; and upon the execution and acknowledgment thereof, as herein provided, such church shall become a body politic and corporate, by the name set forth in said

How Protestant Episcopal Churches may be organized.

articles, in accordance with the canons, doctrines, discipline, and worship of the Protestant Episcopal Church.

What the articles of association to contain.

(3081.) SEC. 2. Said articles shall contain—

First. The name of the proposed church ;

Second. The township or city, and county, in which it is located ;

Third. The number of vestrymen, not exceeding ten, who shall have charge of the affairs of such church, and the time of the annual meeting, which shall be in Easter week ; and no church shall be organized in any township or city bearing the same name with any other Protestant Episcopal Church theretofore organized therein.

Articles to be recorded.

(3082.) SEC. 3. Such articles of agreement, when duly signed and acknowledged, shall be recorded in the office of the county clerk of the county in which such church is located ; and it shall not be lawful for such church to acquire the title to any property until such articles are recorded.

Who may call first meeting

(3083.) SEC. 4. Any three or more persons who have signed any such articles may call the first meeting of such church at such time and place as they may see fit, by publishing notice for ten days previous to the time of such meeting, in some newspaper published in the city or township in which such church is located, and if no newspaper is published therein, then such notice may be given by posting the same in three of the most public places in such city or township ; and at such meeting the affidavit of such posting or publishing shall be produced, and recorded in the minutes : *And*

Notice of meeting.

Who to be voter thereof.

it is further provided, That at such meeting, in addition to the signers of such articles, any male person of full age shall be entitled to vote who shall sign a declaration in writing, to be kept in the book of minutes, whereby he shall signify his intention of attaching himself to said church, and accepting the terms of such articles. Vestrymen of the church shall be elected at said meeting, or any adjournment thereof.

Election of vestrymen.

Who may vote at subsequent meetings.

(3084.) SEC. 5. At all subsequent meetings the right of voting shall be confined to the persons who became actually entitled to vote at the first meeting, and to such others, male persons of full age, as have, during the year previous, been stated worshipers in such church, and owned or rented a seat therein, or been stated contributors to its support. The annual meeting shall take place in such time in Easter week as shall be fixed in said articles ; and at such annual meeting an election of vestrymen shall be had, to serve until the next annual meeting and until their successors shall be chosen.

When annual meeting to take place.

(3085.) SEC. 6. The vestrymen shall choose two of their number to be wardens. They may also appoint a secretary and treasurer from their own number, and may employ such other agents and servants as they may see fit. Meetings of the vestry may be called by the rector of the church, or by either warden, or by any two other vestrymen, and a majority in number of the vestrymen elected shall constitute a quorum for the transaction of business. The rector, when present, shall preside at all vestry meetings, but shall have no vote, except a casting vote in case of a tie; and in his absence from a meeting, one of the wardens, if present, shall preside. All vacancies in such vestry may be filled by the vestrymen at any meeting, and the persons elected to fill such vacancies shall hold for the same period as their predecessors would have done.

Vestrymen may appoint wardens, secretary, and treasurer.

Vestry meeting; by whom called.

Rector to preside.

Vacancies in vestry; how filled.

(3086.) SEC. 7. All the temporal affairs of such churches shall be managed by the vestrymen thereof, and they shall have authority to erect, alter, repair, enlarge, and, in case they deem it necessary, take down or remove and rebuild any church or other building belonging to such corporation; and no owner of any pew or slip in such church shall be held to be the owner of any interest in the land whereon the same is erected. It shall be lawful for such corporations to hold such amount of real estate as shall be reasonably necessary for a church and lecture or school room, and dwellings for the ministers thereof; but it shall not be lawful for such corporations to hold or use any real estate for any other purpose.

Vestry to manage temporal affairs.

This act shall take effect immediately.

An Act to provide for the appointment of trustees in certain cases.

[Approved February 17, 1857. Laws of 1857, p. 442.]

(3087.) SECTION 1. That whenever, by the constitution, rules, or usages of any particular church or religious denomination, trustees are required of and for such religious denomination, such trustees shall be nominated and elected according to the constitution, rules, and usages of such religious denomination. It shall be the duty of the officer presiding over such election to give to such trustees a certificate of their election, under his hand and seal, specifying the name by which such trustees and their successors shall forever thereafter be called and known, which certificate shall be acknowledged, or proved, by a subscribing witness thereto, before some officer authorized to take acknowledgments of deeds, and the said certificate, with the certificate of acknowledgment or proof thereof, shall be recorded by the clerk of the county within which the

Election of trustees.

Certificate of election.

To be recorded.

church or place of worship of such congregation shall be situated, in a book to be by him provided for that purpose, who shall be entitled to ten cents for each folio, for recording the same; and thereafter such trustees and their successors shall be a body corporate, by the name expressed in such certificate, with all the rights, powers, and privileges of other religious corporations constituted according to law.¹

(3088.) SEC. 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed, and the Legislature shall have power to amend or repeal this act at any time hereafter, at its discretion.¹

SEC. 3. This act shall take immediate effect.¹

Time required
to legally organize.

(3089.) SEC. 4. That whenever any religious society or corporation shall have exercised the franchises and privileges of a corporation for the term of ten successive years, the same shall be presumed to have been legally organized in pursuance of the laws of this State.²

An Act to enable certain Protestant Episcopal Churches to reorganize under the statute approved February seventeenth, eighteen hundred and fifty-seven, entitled "An act to provide for the organization of Protestant Episcopal Churches."

[Approved March 14, 1865. Laws of 1865, p. 260.]

Reorganization
authorized.

(3090.) SECTION 1. *The People of the State of Michigan enact,* That any Protestant Episcopal Church, heretofore organized under any other general law, may reorganize so as to become subject to the provisions of an act entitled "An act to provide for the organization of Protestant Episcopal Churches," approved February seventeenth, eighteen hundred and fifty-seven, being sections two thousand and thirty-seven to two thousand and forty-three inclusive of the Compiled Laws of Michigan.

Wardens and
vestry may execute articles.

(3091.) SEC. 2. The wardens and vestry of said church, or a majority of them, shall be authorized, by their names of office, to execute and acknowledge articles as provided in said act, which articles shall, in addition to the requisites in said act provided, set forth that they are executed for the purpose of reorganizing such church according to the provisions of this act; and such articles shall be deemed sufficient when so executed and acknowledged, although the number of signers shall be less than six, if constituting a majority of such wardens and vestrymen.

¹ As amended by Act 168 of the Laws of 1865, p. 275, approved March 14, 1865.

² Added by Act 56 of the Laws of 1869, p. 102, approved March 24, 1869.

(3092.) SEC. 3. Upon the execution and acknowledgment of said articles, such church shall, without further action, be deemed, to all intents and purposes, reorganized, and all rights of property and of contract shall remain unimpaired, and the corporate identity of such church shall continue unchanged. Effect of execution of articles.

(3093.) SEC. 4. The wardens and vestrymen in office shall continue in office until the annual election in Easter week next following such reorganization, and until a new board shall be chosen; and no other meeting or notice shall be necessary to complete such reorganization: *Provided*, That when a new board shall be chosen, it shall consist of the number of vestrymen required by such articles of reorganization. Wardens and vestrymen to continue in office. Number of vestrymen.

An act to provide for the incorporation of Presbyterian Churches.

[Approved March 18, 1865. Laws of 1865, p. 540.]

(3094.) SECTION 1. *The People of the State of Michigan enact*, That whenever any church, the government of which, by its constitution and usages, is vested in ruling elders, shall desire to have and possess corporate powers and privileges, the session or consistory of such church may execute and acknowledge, before any officer authorized to take acknowledgments of deeds, a certificate, which shall contain— Certificate of organization.

First. The name of the proposed corporation; Contents of.

Second. The township or city, and county, in which it is located;

Third. The election of such church, whether the corporate power shall be vested in the ruling elders and deacons thereof, or in the deacons alone, and whether the pastor of such church shall or shall not be a member of such corporation;

Fourth. The election of such church, whether the acts of the officers named, in the exercise of their corporate power, shall or shall not be subject to be reviewed by the higher judicatories of the church, in the mode prescribed by the constitution and usages thereof.

(3095.) SEC. 2. Such certificate shall be signed by at least a majority of such session or consistory, and when duly acknowledged by the signers thereof, shall be recorded in the office of the county clerk of the county named therein; and thereupon the pastor, ruling elders, and deacons, the pastor and deacons, or the deacons, as the case may be, shall become a corporation by the name expressed in said certificate; but a vacancy in the office of pastor shall in no degree affect said corporation. How executed. Corporation

When elders to be members of corporation.

(3096.) SEC. 3. If, in any case where the corporate powers are vested in deacons alone, their number shall be diminished to less than two in office, and residing within the bounds of the congregations, then during such time the ruling elders of such church shall be members of said corporation.

Who to be members of corporation.

(3097.) SEC. 4. Any person who shall become duly invested with the office of pastor, ruling elder, or deacon, in any particular church, shall become a member of the corporation erected for that church, subject to the election of the church, as determined under the provisions of the first section of this act, and the corporate functions of all officers shall cease on the vacation of the ecclesiastical office.

Corporation without officers not to be dissolved.

(3098.) SEC. 5. If it shall happen that any church whose officers have been incorporated under this act shall be temporarily without officers, such corporation shall not for that cause be dissolved, but the presbytery or classes to which the church belongs may appoint trustees to execute the functions of such corporation during the existence of the disability, but no longer.

Existing corporations may organize under this act.

(3099.) SEC. 6. The congregation of any church, of the description named in the first section of this act, the trustees of which have been incorporated under any law of this State, may elect to dissolve their existing organization, and take corporate powers under this act: *Provided*, That the consent of two-thirds of all persons present at a public meeting, and who are entitled to vote for trustees under such law, be obtained, of which meeting due notice of the time and place and object thereof shall be given in the manner prescribed by section two thousand and twelve of the Compiled Laws. If such consent shall be obtained, a certificate thereof shall be executed and acknowledged by the presiding officer and secretary of such meeting, and shall be recorded in the office of the clerk of the county where the original certificate of incorporation was recorded; and on compliance with the provisions of this act, providing for the creation of such corporations, all the property, powers, duties, trusts, and obligations of every kind, possessed by or pertaining to the original corporation shall be transferred to and become vested in the corporation organized for the same church under this act.

Proviso.

Proceedings thereon.

Powers of corporation.

(3100.) SEC. 7. Every corporation created under this act may sue and be sued, in all courts and places, may have a common seal, and may alter the same at pleasure, may take into their possession and custody all the temporalities of the church or congregation, whether the same shall consist of real or personal estate, and may recover and hold all debts, demands, rights, and privileges, all

churches, buildings, and burying-places belonging to the church or congregation, in whatever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in such corporation, and may hold such an amount of real estate as shall be reasonably necessary for a church, lecture, or school-room, for burying-places, and for dwellings for the ministers thereof, but it shall not be lawful for such corporation to hold real estate for any other purpose.

(3101.) SEC. 8. Every corporation created under this act shall also have authority, under the direction of the congregation, to erect churches and meeting-houses, dwelling-houses for their ministers, and other buildings for the legitimate use of the church or congregation, and to alter and repair the same, and also, under the direction of the congregation, to execute and acknowledge any obligations and securities upon the property of such church or congregation for the payment of just liabilities, which may be created in the erection or repair of such church, meeting-house, or other buildings. May erect churches, etc.

(3102.) SEC. 9. No corporation created under this act shall have the power to fix the salary or compensation to be paid any minister, but the same shall be fixed by the congregation, according to the constitution and usages of such church. Salary of minister.

An Act to provide for the incorporation of Reformed Protestant Dutch Churches.

[Approved March 21, 1865. Laws of 1865, p. 722.]

(3103.) SECTION 1. *The People of the State of Michigan enact, Trustees.*
 "That the minister or ministers, and elders and deacons, and if during any time there be no minister, then the elders and deacons during such time, of every Reformed Protestant Dutch Church or congregation, now or hereafter to be established in this State, and elected according to the rules and usages of such churches within this State, shall be the trustees for every such church or congregation, and it shall be lawful for the said trustees, if not already incorporated, to assemble together as soon as they shall deem it convenient, and execute, under their hands and seals, a certificate, certifying the name and title by which they and their successors forever, as a body corporate by virtue of this act, shall be known and distinguished, which certificate, being duly acknowledged or proved as aforesaid, shall be recorded by the clerk of such county Certificate of organization.

To be recorded.

Body corporate.	in a book to be by him provided as aforesaid; and such trustees
Dissolution of.	and their successors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such certificate; and it shall be lawful for the trustees of any such church or congregation, elected by virtue of any former law of this State, by writing, under their hands and seals, to be proved, acknowledged, and recorded as aforesaid, to declare their will not to continue any longer a body corporate; and thereupon such body corporate shall cease, and all the estate, real and personal, held by them, shall pass to and be vested in the trustees of such church or congregation, made a body corporate in the manner above directed: <i>Provided always</i> , That nothing herein contained shall be construed in any manner to impair or alter the rights of any of the chartered churches within this State.
Proviso.	
Powers of trustees.	(3104.) SEC. 2. The trustees of every church, congregation, or society herein above mentioned, and their successors, shall, respectively, have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church, congregation, or society, whether the same consists of real or personal estate, and whether the same shall have been given, granted, or devised directly to such church, congregation, or society, or to any other person for their use; and also, by their corporate name or title, to sue and be sued in all courts of law or equity, and to recover, hold, and enjoy all the debts, demands, rights, and privileges, and all churches, meeting-houses, parsonages, and burying-places, with the appurtenances, and all estates belonging to such church, congregation, or society, in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been invested in the said trustees; and also to purchase and hold other real and personal estate, and to demise, lease, and improve the same for the use of such church, congregation, or society, or other pious uses, so as the whole real and personal estate of any such church, congregation, or society shall not exceed the annual value or income of three thousand dollars; and also to repair and alter their churches or meeting-houses, and to erect others, if necessary, and to erect dwelling-houses for the use of their ministers, and school-houses and other buildings for the use of such church, congregation, or society; and such trustees shall also have power to make rules and orders for managing the temporal affairs of such church, congregation, or society, and to dispose of
Common seal.	
Custody of temporalities.	
Suit for and against.	
Purchase and hold property.	
Repair and erect churches.	
Rules of society.	

all moneys belonging thereto, and to regulate and order the renting the pews in their churches and meeting-houses, and the perquisites for the breaking of the ground in the cemetery or church-yards Cemeteries. and in the said churches and meeting-houses, for burying the dead, and all other matters relating to the temporal concerns and revenues of such church, congregation, or society; and to appoint a clerk and treasurer of their board, and a collector to collect and receive the said rents and revenues, and to regulate the fees to be allowed to such clerk, treasurer, and collector, and them or either of them to remove at pleasure and appoint others in their stead; and such clerk shall enter all rules and orders made by such trustees, and payments ordered by them, in a book to be provided by them for that purpose. Rents, etc. Clerk.

(3105.) SEC. 3. That it shall be lawful for the circuit court of any county of this State, where such church is situated, upon the application of any such religious corporation, in case it shall deem it proper, to make an order for the sale of any real estate belonging to such corporation, and to direct the application of the moneys arising therefrom by the said corporation, to such uses as the same corporation, with the consent and approbation of such circuit court, shall conceive to be most for the interest of the society to which the real estate so sold did belong. Order for sale of real estate.

An Act to provide for the incorporation of Churches of Christ.

[Approved March 27, 1867. Laws of 1867, p. 235.]

(3106.) SECTION 1. *The People of the State of Michigan enact,* Authorized to incorporate. That whenever any Church of Christ shall desire to have and possess corporate powers and privileges, a committee of not less than three nor more than five members of any such church, appointed by a majority of the members of such church present at a meeting, notice of which meeting shall have been given to such church on two Lord's Days immediately preceding, may execute and acknowledge before any officer authorized to take acknowledgment of deeds, a certificate, which shall contain— Committee's certificate. Contents of.
First. The name of the proposed corporation; Name.
Second. The township or city, and county, in which it is located; Location.

Third. The election of such church, manifested by a majority vote of the members present, pursuant to notice as above, whether the corporate power shall be vested in the elders and deacons thereof, the deacons alone, or in such persons as may be elected Where corporate power is vested.

trustees in the manner prescribed for the appointment of the aforementioned committee, and whether the pastor of such church shall or shall not be a member of such corporation ;

Church control. *Fourth.* The election of such church, whether the acts of those persons named for the exercise of their corporate power shall or shall not be subject to be controlled by the church.

Recording certificate. (3107.) SEC. 2. Such certificate shall be signed by the aforementioned committee, and when duly acknowledged by the signers thereof, shall be recorded in the office of the county clerk of the county named therein, and thereupon the pastor, elders, and deacons, the pastor and deacons, the elders and deacons, the deacons alone, or the trustees elected as aforesaid, shall become a corporation by the name expressed in said certificate.

When number of corporation is diminished by three. (3108.) SEC. 3. If, in any case where the corporate powers are vested in any or all of the officers, their number shall be diminished to less than three, then during such time the church may elect two or three of the members thereof, as before prescribed, to augment the number of such corporation.

An elder or deacon shall be member. (3109.) SEC. 4. Any person who shall become duly invested with the office of elder or deacon, in any particular church, shall become a member of the corporation elected for that church, subject to the election of the church as determined under the provisions of the first section of this act; and the corporate functions of all officers shall cease on the vacation of the ecclesiastical office.

Trustees' term of office. When vested in deacons. (3110.) SEC. 5. The time for which trustees shall be chosen under this act, shall not exceed three years; and if the corporate power shall be vested in the deacons or other church officers, they shall not serve in the capacity of trustees for a longer term than three years, without a renewed expression of the church to that effect, as often as every three years.

Church without officers may proceed to elect. (3111.) SEC. 6. If it shall happen that any church, a part or all of whose officers have been incorporated under this act, shall be without officers, such corporation shall not for that cause be dissolved; but the church may elect, in the manner before provided, not less than three nor more than nine trustees to execute the functions of such corporation during the existence of the disability, but no longer.

Proviso. (3112.) SEC. 7. Any church incorporated under any law of this State may elect to dissolve their existing corporation, and take corporate powers under this act: *Provided*, The consent of two-thirds of all members of such church, present at a meeting called

in the manner prescribed for calling the meeting for the appointment of the aforementioned committee. If such consent shall be obtained, a certificate thereof shall be executed and acknowledged by the presiding officer and secretary of such meeting, and shall be recorded in the office of the county where the original certificate of incorporation was recorded; and on compliance with the provisions of this act, all the property, powers, privileges, duties, trusts and obligations of every kind possessed by or pertaining to the original corporation, shall be transferred to and become vested in the corporation organized for the same church under this act.

Consent of two-thirds.
Recording certificate of same.

(3113.) SEC. 8. Every corporation under this act, and their successors, may have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorized and empowered to take into their possession and custody all the temporalities belonging to such church, whether the same consists of real or personal estate, and whether the same shall be given, granted, or devised directly to such church, or to any person for their use; and also by their corporate name or title to sue and be sued in all courts of law or equity, and to recover, hold, and enjoy all the debts, demands, rights, and privileges, and all meeting-houses, parsonages, and burying-places, with the appurtenances, and all estates belonging to such church, in whatever manner the same may have been acquired or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in said corporation; and also to purchase and hold other real and personal estate, and to demise, lease, and improve the same for the use of such church, so as the whole real and personal estate of any such church shall not exceed the annual value or income of three thousand dollars; and also to repair and alter their meeting-houses and to erect dwelling-houses for the use of their ministers, and school-houses and other buildings for the use of such church.

Corporation's common seal.

Power of taking possession.

Of suing and being sued, etc.

Limit to value of estate.

(3114.) SEC. 9. No corporation created under this act shall have the power to fix the salary or compensation to be paid any minister, but the same shall be fixed by the church, according to the usage of such church.

Salary of minister fixed by church.

An Act to provide for the union and consolidation of the Churches of Christ.

[Approved March 29, 1871. Laws of 1871. p. 69.]

(3115.) SECTION 1. *The People of the State of Michigan enact,* That whenever two or more incorporated Churches of Christ shall desire to become united and consolidated into one church, having

Committee from each church.

	and possessing corporate powers and privileges, a committee, to be composed of not less than three nor more than five members from each of such churches, appointed by a three-fourths vote of the members of each of such churches present at meetings of said churches, notice of which meeting shall have been given to such churches on two Sundays immediately preceding, may execute and acknowledge before any officer authorized to take acknowledgment of deeds, a certificate, which shall contain—
May execute certificate. Contents of same.	
Name.	<i>First.</i> The name of the proposed corporation ;
Location.	<i>Second.</i> The township or city, and county, in which it is located ;
Statement of vote to consolidate.	<i>Third.</i> That each of such churches, at duly called meetings, pursuant to notice as above, did, by a three-fourths vote of all the members of such churches present at such meetings, elect to become united and consolidated with the other church or churches named in the certificate ;
Names of corporations.	<i>Fourth.</i> The names of the corporations which propose to become united and consolidated ;
The election of such churches as to whom the corporate power shall vest in.	<i>Fifth.</i> The election of such churches, manifested by a majority vote of the members present at duly called meetings of such churches, pursuant to notice as above, whether the corporate power shall be vested in the elders and deacons thereof, the deacons alone, or in such persons as may be elected trustees in the manner prescribed for the appointment of the aforementioned committee, and whether the pastor of such church shall or shall not be a member of such corporation ;
And whether their acts shall be subject to the control of the church.	<i>Sixth.</i> The election of such churches, whether the acts of those persons named for the exercise of their corporate power shall or shall not be subject to be controlled by the church ;
Other items.	<i>Seventh.</i> Any other items which are made part of the terms or conditions of said union and consolidation.
By whom signed	(3116.) SEC. 2. Such certificate shall be signed by the aforementioned committee, and when duly acknowledged by the signers thereof shall be recorded in the office of the county clerk of the county named therein, and thereupon the pastor, elders, and deacons, the pastor and deacons, the elders and deacons, the deacons alone, or the trustees elected as aforesaid, shall become a corporation by the name represented in said certificate.
When and where recorded.	
All liabilities, etc., of either, to remain in force against the united church.	(3117.) SEC. 3. All dues, demands, contracts, and liabilities of either of such churches, shall be and remain in force against the united church in like manner as when originally incurred by such churches under other names and designations ; and all property,

real or personal, belonging to or held in trust by either of such churches, shall be and is hereby vested in the united church. Property vested in the united church.

(3118.) SEC. 4. In all other matters not specified in this act, such united churches shall be governed by an act of the Legislature, approved March twenty-seventh, in the year one thousand eight hundred and sixty-seven, entitled "An act to provide for the incorporation of Churches of Christ." Government in other matters.

SEC. 5. This act shall take immediate effect.

An Act to authorize the organization of Young Men's Christian Associations.

[Approved March 27, 1867. Laws of 1867, p. 211.]

(3119.) SECTION 1. *The People of the State of Michigan enact,* That any ten persons who desire to become incorporated as a "Young Men's Christian Association," may execute under their hands, and acknowledge before some person in this State duly authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as herein specified, one copy of which shall be filed and recorded in the office of the Secretary of State; and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county in which such association shall be located; and upon the execution and acknowledgment of such articles, the signers thereof, and such persons as may thereafter become associated with them, shall become a body politic and corporate, for the purpose set forth in said articles. How association is incorporated. Articles of association.

(3120.) SEC. 2. The articles of this association shall contain— Contents.

First. The names of the persons associating in the first instance, and their places of residence;

Second. The name of such corporation and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third. The objects for which it is organized, expressly stated;

Fourth. The number of its directors and regular officers, and the time and place of holding its annual meeting;

Fifth. The terms and conditions of membership.

(3121.) SEC. 3. The affairs of such corporation shall be managed by not less than five nor more than twenty directors, to be chosen by the members thereof, to be elected (after the first election) by classes, their term of office not to exceed three years, and until their successors are chosen; a majority of said directors to constitute a quorum, and have power to enact, alter, and repeal all necessary by-laws; the other regular officers of said corporation to be mem- Managed by directors. A quorum.

bers of the board of directors, except the secretary and treasurer, and to be elected as the articles shall direct.

May own real estate.

(3122.) SEC. 4. Such corporation shall be entitled to own and hold such real and personal estate, as may be necessary or convenient for carrying out the purposes of said corporation.

Report.

(3123.) SEC. 5. Any corporation formed under this act shall, whenever required by the Attorney General or Legislature, report a full statement of its affairs to the party so requiring.

An Act to authorize the Roman Catholic bishops of Michigan, and their successors in office, to hold property in trust for the use of the church.

[Approved March 27, 1867. Laws of 1867, p. 288.]

Grants, deeds, etc.

(3124.) SECTION 1. *The People of the State of Michigan enact,* That all gifts, grants, deeds, wills, and other conveyances wherein or whereby any lands, tenements, or other property within this State have been given, devised, or granted, or in any manner conveyed, by any person or persons whatever, unto any person or persons by the name, style, or title of Roman Catholic or Catholic bishop of the diocese of Bardstown, Kentucky, or his successors, or to the Roman Catholic bishop or Catholic bishop of Cincinnati, Ohio, and his successors in office, or to the Roman Catholic or Catholic bishop of Detroit, or administrator of Detroit, and his successors, or to the Roman Catholic or Catholic bishop of Sault Saint Marie, or to the Roman Catholic or Catholic bishop of Marquette or his successors, or to any other person or persons, upon the trust, expressed or implied, to take, hold, and receive the same for the use and benefit of any religious congregation of Roman Catholics, or for the support, aid, and maintenance of any hospital, almshouse, seminary, church, parsonage, or the burial-grounds, or other religious or charitable purposes, within this State; and all such gifts, grants, deeds, wills, and other conveyances which may hereafter be made, shall be sufficient and effectual in law to vest the legal title of, in, and to said lands and tenements, in such grantee or devisee, in the present bishops or administrators of the Roman Catholic diocese within the State of Michigan, in their respective dioceses, and in the persons who after them may become Roman Catholic bishops of said dioceses, and in the successors of said Roman Catholic bishops forever, in trust, for the uses and purposes for which the said property is or may be hereafter acquired, granted, or devised, and in no other person or persons whatever: *Provided,*

Devised to Roman Catholic bishops for certain purposes.

Legal title in Roman Catholic bishops or successors.

proviso.

That it shall be necessary, in relation to all gifts, grants, deeds, wills, and other conveyances heretofore made as aforesaid, that the

person or persons to whom the same were made, or to such persons as they may have conveyed to, if living, shall release their estate or interest therein to the said Roman Catholic bishops in the State of Michigan within their respective dioceses: *And provided further,* Further proviso. That nothing in this act shall be taken or construed to give or grant to the said Roman Catholic bishops or administrators of the said dioceses of the State of Michigan, or their successors, the right to hold real estate in trust for any society except for charitable, religious, and literary purposes, or for burial-grounds, as provided for by this act.

An Act to provide for the incorporation of St. Jean Baptiste Societies.

[Approved April 12, 1871. Laws of 1871, p. 160.]

(3125.) SECTION 1. *The People of the State of Michigan enact,* Articles of association. That whenever any ten or more persons, residents of any county in this State, and being members of any St. Jean Baptiste Society already formed, or any ten or more persons, residents of any county in this State, desirous of forming such a society, desire to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth:

First. The names of the persons associating in the first instance, and their places of residence;

Second. The corporate name of the association, and the place where its meetings shall be held;

Third. The object and purpose of the association, which may be charitable, benevolent, or literary, or any two, or all of these combined; and also the period for which it is incorporated, not exceeding thirty years.

(3126.) SEC. 2. The French language may be adopted as the official language of such societies, and all records and proceedings may be kept, and all meetings held, in that language, and translations of any of the documents belonging to such societies, duly authenticated as correct translations of such documents, or of the original documents translated from the French into the English language, shall be received whenever necessary in all courts of law within this State. Records, etc., may be kept in French.

(3127.) SEC. 3. A copy of said articles of association, together with a copy of the constitution and by-laws of the association of which the persons executing said articles are members (duly trans- Articles filed and recorded.

Corporate
rights.

lated into the English language, and properly authenticated as a correct translation of the same from the French into the English language, and duly sworn to and acknowledged as such by the person translating the same, before some officer of this State having authority to take acknowledgments of deeds, whenever said articles of association and the by-laws have been or shall be originally written in the French language), shall be filed with the county clerk of the county in which such association shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who have signed said articles of association, and their successors, shall be a body corporate and politic, and known in law and in fact by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have a common seal, and may alter and change the same at pleasure, and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence of the due existence and incorporation of such association in all courts within this State.

Copy of record
evidence in
court.

Directors.

(3128.) SEC. 4. The management and direction of the interests, affairs, and property of such association shall be vested in a board of directors of not less than five nor more than twenty, of whom the officers of such association shall be *ex officio* members of said board.

Officers.

(3129.) SEC. 5. Every such association shall have full power and authority, by its by-laws or otherwise, from time to time, to designate and elect from among its members such officers of such association as it may see fit, under such name and style as may be in accordance with its constitution.

State society.

(3130.) SEC. 6. Any number of members, not less than ten, belonging to one or more such associations as is provided for in the foregoing sections, after becoming incorporated themselves, may proceed in like manner to form a State society of St. Jean Baptiste, in the manner, as near as may be, hereinbefore provided for the incorporation of associations by residents of counties, but shall in addition thereto file a copy of its articles of association, its constitution, and by-laws, with the Secretary of State, to be kept and recorded by him in a book kept for that purpose in his office; and such State association shall have such powers as may be granted to it, and shall perform such duties as may be prescribed for it, by the county associations taking part in its organization:

Articles filed
and recorded.

And provided, That its object and purpose shall be in accordance with the provisions of this act establishing county associations of St. Jean Baptiste: *And provided further*, That the county associations taking part in its organization may endow it with all requisite powers of superior jurisdiction, and the power of organizing new societies of St. Jean Baptiste, as from time to time it may deem necessary or proper.

SEC. 7. This act shall take immediate effect.

An Act to provide for the incorporation of associations, conventions, conferences, or religious bodies, for literary, religious, or other benevolent purposes.

[Approved March 27, 1867. Laws of 1867, p. 263.]

(3131.) SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons, not less than nine, who may be desirous of forming themselves into an association, convention, conference, or religious body, and who shall sign articles of association for that purpose, to assemble together at such place as they may select, and, by a plurality of votes by ballot, elect any number of discreet persons, not less than three nor more than nine in number, as trustees, to take charge of the property belonging to, and to transact all the affairs relative to the temporalities of such association, convention, conference, or religious body, with all the powers and privileges, and subject to all the provisions and restrictions, applicable in chapter fifty-five of the Revised Statutes of eighteen hundred and forty-six, being chapter seventy-three of the Compiled Laws.

(3132.) SEC. 2. Said corporation may hold real and personal estate, not exceeding in value one hundred thousand dollars, to be devoted exclusively to the diffusion of Christian knowledge by means of missionaries, publications, and other agencies.

(3133.) SEC. 3. Any corporation formed under this act shall, whenever required by the Attorney General, Secretary of State, or either House of the State Legislature, report a full statement of its affairs to the party so requiring.

CHAPTER CIX.

INSTITUTIONS OF LEARNING.

An Act to provide for the incorporation of institutions of learning.

[Approved February 9, 1855. Laws of 1855, p. 51.]

Incorporation, (3134.) SECTION 1. *The People of the State of Michigan enact,*
Subscription of That any number of persons, not less than five, may become a cor-
stock, etc. poration for the purpose of founding and establishing a college,
 seminary, academy, or other institution of learning, by complying
 with the provisions of this act. When stock, legacies, bequests, or
 donations, to the amount of thirty thousand dollars, for any such
 college, or five thousand dollars for any such seminary, academy,
 or other institution of learning, so intended to be founded and
 established, shall be in good faith subscribed or given, and twenty
 per cent thereon actually paid in, as herein required, such persons
 may elect trustees for such college, seminary, academy, or other
Articles of asso- institution of learning; and thereupon said trustees shall severally
ciation, what to subscribe articles of association, in which shall be set forth the
set forth. name, character, and object of the corporation; the amount of
 capital stock so subscribed, bequeathed, donated, or given, and the
 amount paid in; the names and place of residence of the trustees;
 the length of time they shall continue in office, not to exceed thirty
 years; the manner in which their successors shall be elected, who
 shall not be less than five nor more than thirty-five, and the place
 where such college or other institution shall be located. Said arti-
Where to be filed cles of association, when subscribed as aforesaid, shall be filed in
 the office of the Secretary of State; but such articles shall not be

filed until there is annexed thereto an affidavit, made by at least three of such trustees, that the amount of stock required by this section has been in good faith subscribed, and that twenty per cent thereon has been paid in; and thereupon the persons who have subscribed said articles, with such other persons as may from time to time become donors to such institution, or if such articles of association so declare, the trustees elected as herein provided shall be a body corporate and politic, capable of suing and being sued, and may have a common seal, which they may make and alter at pleasure, and be capable in law of receiving by gift, subscription, bequest, will, donation, or device, and of purchasing, holding, and conveying any real estate or personal property whatsoever, for the purpose of founding, establishing, and conducting any such college, seminary, academy, or other institution of learning, and may alter or amend said articles of association, such alteration or amendment not being inconsistent with the foregoing provisions of this section. But in case of alteration or amendment, they shall, within twenty days thereafter, file a copy of such amendment, duly certified by said trustees, with the Secretary of State.¹

Affidavit to be annexed.

Body corporate, powers of.

Common seal.

May amend articles of association.

(3135.) SEC. 2. A copy of any such articles of association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all courts and places, be presumptive evidence of the incorporation of such institution, and of all the facts therein stated.

Certified copy of articles and affidavit made evidence.

(3136.) SEC. 3. The trustees of any college or seminary incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power—

Additional powers of college or seminary incorporated under this act.

First. To elect their own chairman or clerk;

Second. Upon the death, resignation, or other vacancy in the office of any trustee, to elect another in his place;

Third. To declare vacant the seat of any trustee who shall absent himself from five successive meetings of the board;

Fourth. To take and hold, by gift, grant, or devise, any real or personal property, the annual income or revenue of which shall not exceed twenty-five thousand dollars;

Fifth. To sell, mortgage, let, or otherwise use such property in such manner as they shall deem most conducive to the educational interests of such corporation;

Sixth. To direct and prescribe the course of study and discipline to be observed in the college, seminary, or academy: *Provided,*

¹As amended by Act 7 of the Laws of 1902, p. 8, approved and took effect January 15, 1902.

Provide.

That no religious test whatever shall be required of any pupil in such institution ;

Seventh. To appoint a president, professors, tutors, and such other officers and agents as they may deem necessary, who shall hold their offices during the pleasure of the trustees ;

Eighth. To grant such literary honors as are usually granted by any such college or similar institutions in the United States, and in testimony thereof to give suitable diplomas, under their seal, and the signatures of such officers of the institution as they may deem expedient: *Provided*, That the course of study pursued in such college be in all respects as thorough and comprehensive as is usually pursued in similar institutions in the United States ;

Ninth. To ascertain and fix the salaries of the president, professors, and other officers and agents ;

Tenth. And to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

Effect of diploma

(3137.) SEC. 4. Every diploma granted by such trustees shall entitle the possessor to all the immunities which, by usage or statute, are allowed to possessors of similar diplomas granted by any similar institution in the United States.

Additional powers of trustees of academy incorporated under this act.

(3138.) SEC. 5. The trustees of any academy incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power—

First. To take and hold, by gift, grant, subscription, bequest, or devise, any property, personal or real, the annual income or revenue of which shall not exceed four thousand dollars ;

Second. To sell, mortgage, let, or otherwise use and dispose of such property for the benefit of such academy ;

Third. To direct and prescribe the course of study and discipline in such academy ;

Fourth. To appoint a treasurer, clerk, principal, and such other officers and agents as they shall deem necessary, who shall hold their offices during the pleasure of the trustees ;

Fifth. To ascertain and fix the salaries of all the officers of the academy ;

Sixth. To make all ordinances and by-laws necessary to carry into effect the foregoing powers.

Corporation subject to visitation and examination

(3139.) SEC. 6. Any institution incorporated under the provisions of this act, shall be always subject to the visitation and examination of the Superintendent of Public Instruction, and also to a board of visitors [three in number], to be annually appointed

by said Superintendent; and said visitors shall report to said Superintendent as soon after an examination as practicable.

(3140.) SEC. 7. The trustees of any institution incorporated under the provisions of this act, shall apply all funds and property belonging thereto, according to their best judgment, to the promotion of its objects and interests: *Provided*, That any gift, bequest, or donation to such institution for any specific object, shall be faithfully applied to the object specified by such donor.

Funds, how to be applied.

Proviso.

(3141.) SEC. 8. The trustees of any institution incorporated under the provisions of this act, may require the treasurer, and all other officers and agents, before entering upon the duties of their respective offices, to give bonds and securities in such sums as they may deem proper and sufficient.

Officers may be required to give bond, etc.

(3142.) SEC. 9. Such trustees shall be required, on or before the first day of December, annually, to report to the Superintendent of Public Instruction a statement of the name of each trustee, officer, teacher, and student of such institution, with a statement of its property, the amount of stock subscribed, donated, and bequeathed, and the amount actually paid in, and such other information as will tend to exhibit its condition and operations. And said trustees shall be severally and jointly liable for all the labor performed for the corporation; but no execution shall issue against any trustee, till an execution against the corporation shall have been returned unsatisfied in whole or in part; and no such trustee shall be thus liable, unless suit for the collection of such debt shall have been brought against said corporation within one year after such debt shall have become due.

Trustees to report to superintendent of public instruction.

Disability of trustees for labor performed. Const. Art. 15, Sec. 7.

(3143.) SEC. 10. Service of legal process on any such corporation may be made on any one of the trustees thereof, if such trustee be in the county in which the institution is located; but if not, then by leaving a copy of such process with any officer in the employ thereof, at its principal place of business.

How service of process to be made on corporation.

(3144.) SEC. 11. Any institution of learning now in existence in this State, whether incorporated or not, shall be entitled to all the benefits of this act, by complying with the provisions of this act; and may, by a vote of the majority of such corporation or unincorporated company or association, to be taken according to the act of incorporation, by-laws, or other legal regulations thereof, determine to avail itself of the provisions of this act, and to take and assume corporate name and powers thereunder, and may, by a like vote, transfer to such corporation, formed under this act, all its property, both real, personal, and mixed; and thereupon said

Existing institutions may become incorporated under this act.

Rights, powers,
and liabilities of
such new corpo-
ration.

corporation, to which such property is so transferred, shall take the same in the same manner, to the same extent, and with the like effect as the same was previously owned and held by the corporation, company, or association so transferring the same, and may, in its own corporate name, sue for and collect all debts, dues, demands, subscriptions, devises, and bequests thereof. The said corporation so taking such property as aforesaid, shall take the same subject to all liens, trusts, and limitations, both legal and equitable, to which the same was subject before such transfer, and shall also be liable for all the debts and obligations of such previous corporation, company or association, and shall pay the same, to the full extent of the value of such property at the time of so taking the same.

Restriction upon
powers of corpo-
ration.

(3145.) SEC. 12. Nothing in this act shall be construed as granting banking powers, or as allowing the business of brokerage, or any other powers not usually granted to or exercised by institutions for educational purposes.

This act shall take effect immediately.

CHAPTER CX.

LIBRARIES AND LYCEUMS.

Chapter fifty-three of Revised Statutes of 1946.

OF LIBRARIES.

Meeting of pro-
prietors to form
corporations,
how called.

(3146.) SECTION 1. Any seven or more proprietors of a library may form themselves into a corporation, under such corporate name as they may adopt, for the purpose of enlarging, regulating, and using such library; and for that purpose any justice of the peace may, on the application of five or more of the proprietors, issue his warrant to one of them, directing him to call a meeting

of the proprietors at the time and place expressed in the warrant, for the purpose of forming such corporation, and such meeting shall be called by posting up a notice containing the substance of such warrant, in at least two public places in the township where such library is kept, at least seven days before the time of meeting.

(3147.) SEC. 2. Any seven or more of the proprietors of such library, met in pursuance of such notice, may choose a president, a clerk, a librarian, collector, treasurer, and such other officers as they may deem necessary; and they may also determine upon the mode of calling future meetings of the proprietors; and the proceedings of such first meeting, containing a specification of the corporate name adopted by such proprietors, shall be certified by the clerk of such corporation, and recorded by the county clerk of the county within which the same is formed, who shall be entitled to receive seventy-five cents for recording the same. Proprietors may choose officers.

(3148.) SEC. 3. When such proprietors shall be organized as a corporation in the manner hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five, so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this chapter. Powers and privileges of corporation. Chap. 72.

(3149.) SEC. 4. The treasurer and collector shall give bond to such corporation, with sufficient sureties, to the satisfaction of the president, for the faithful discharge of their duties. Bond of collector and treasurer.

(3150.) SEC. 5. The said proprietors may raise such sums of money, by assessment on the shares, as they shall judge necessary for the purpose of preserving, enlarging, and using the library; and the shares may be transferred according to such regulations as they may prescribe, and such corporation may hold real and personal estate to any amount not exceeding five thousand dollars, in addition to the value of their books. Certain powers of corporation.

OF LYCEUMS.

(3151.) SEC. 6. Any fifteen or more persons, in any township or county within this State, who shall, by writing, associate for the purpose of mental improvement and the promotion of education, may form themselves into a corporation by the name of "The Lyceum of " (the name of the place where the meetings of the corporation are to be holden), by calling their first meeting and being organized in like manner as is provided in this chapter, in the case of library corporations; and every lyceum, upon becoming Lyceums, how organized etc.

a corporation as aforesaid, shall have, during the pleasure of the Legislature, all the like rights, powers, and privileges, as the proprietors of such libraries, and may hold real and personal estate not exceeding six thousand dollars.

CHAPTER CXI.

TEACHERS' ASSOCIATIONS.

An Act to incorporate teachers' associations.

[Approved February 12, 1855. Laws of 1855, p. 263.]

Fifteen or more
teachers may
form corporation

(3152.) SECTION 1. *The People of the State of Michigan enact,* Any fifteen or more teachers, or other persons residing in this State, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place, and purpose of the meeting for such association, and shall file in the office of the Secretary of State a copy of the constitution and by-laws of said association.

Notice to be published.

May hold real
and personal
property.

(3153.) SEC. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

Restrictions
upon its use.

Privileges and
liabilities of
corporation.

(3154.) SEC. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the Revised Statutes of this State, so far as

such provisions shall be applicable in such case, and not inconsistent with the provisions of this act.

This act shall take effect immediately.

CHAPTER CXII.

LITERARY AND SCIENTIFIC ASSOCIATIONS.

An Act to authorize the formation of corporations for literary and scientific purposes.

[Approved March 21, 1865. Laws of 1865, p. 725.]

(3155.) SECTION 1. *The People of the State of Michigan enact,* ^{Powers of corporation.} All corporations organized and established under the provisions of this act, shall be capable of suing and being sued in any court of this State, and may have a common seal, and alter and amend the same at pleasure; may elect, in such a manner as they shall determine, all necessary officers, may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the members thereof shall direct.

(3156.) SEC. 2. Any number of persons, not less than ten, who shall, by articles of agreement in writing, associate themselves together according to the provisions of this act, for literary or scientific purposes, or both, or for missionary or other benevolent purposes, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, under any name assumed by them in the articles of agreement: *Provided,* That no two societies ^{Incorporated literary and other societies.} *Provide.* shall assume the same name.¹

¹ As amended by Act 18 of the Laws of 1867, p. 21, approved and took effect February 18, 1867.

Proviso. That no religious test whatever shall be required of any pupil in such institution ;

Seventh. To appoint a president, professors, tutors, and such other officers and agents as they may deem necessary, who shall hold their offices during the pleasure of the trustees ;

Eighth. To grant such literary honors as are usually granted by any such college or similar institutions in the United States, and in testimony thereof to give suitable diplomas, under their seal, and the signatures of such officers of the institution as they may deem expedient: *Provided*, That the course of study pursued in such college be in all respects as thorough and comprehensive as is usually pursued in similar institutions in the United States ;

Ninth. To ascertain and fix the salaries of the president, professors, and other officers and agents ;

Tenth. And to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

Effect of diploma (3137.) SEC. 4. Every diploma granted by such trustees shall entitle the possessor to all the immunities which, by usage or statute, are allowed to possessors of similar diplomas granted by any similar institution in the United States.

Additional powers of trustees of academy incorporated under this act. (3138.) SEC. 5. The trustees of any academy incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power—

First. To take and hold, by gift, grant, subscription, bequest, or devise, any property, personal or real, the annual income or revenue of which shall not exceed four thousand dollars ;

Second. To sell, mortgage, let, or otherwise use and dispose of such property for the benefit of such academy ;

Third. To direct and prescribe the course of study and discipline in such academy ;

Fourth. To appoint a treasurer, clerk, principal, and such other officers and agents as they shall deem necessary, who shall hold their offices during the pleasure of the trustees ;

Fifth. To ascertain and fix the salaries of all the officers of the academy ;

Sixth. To make all ordinances and by-laws necessary to carry into effect the foregoing powers.

Corporation subject to visitation and examination (3139.) SEC. 6. Any institution incorporated under the provisions of this act, shall be always subject to the visitation and examination of the Superintendent of Public Instruction, and also to a board of visitors [three in number], to be annually appointed

by said Superintendent; and said visitors shall report to said Superintendent as soon after an examination as practicable.

(3140.) SEC. 7. The trustees of any institution incorporated under the provisions of this act, shall apply all funds and property belonging thereto, according to their best judgment, to the promotion of its objects and interests: *Provided*, That any gift, bequest, or donation to such institution for any specific object, shall be faithfully applied to the object specified by such donor.

Funds, how to be applied.

Proviso.

(3141.) SEC. 8. The trustees of any institution incorporated under the provisions of this act, may require the treasurer, and all other officers and agents, before entering upon the duties of their respective offices, to give bonds and securities in such sums as they may deem proper and sufficient.

Officers may be required to give bond, etc.

(3142.) SEC. 9. Such trustees shall be required, on or before the first day of December, annually, to report to the Superintendent of Public Instruction a statement of the name of each trustee, officer, teacher, and student of such institution, with a statement of its property, the amount of stock subscribed, donated, and bequeathed, and the amount actually paid in, and such other information as will tend to exhibit its condition and operations. And said trustees shall be severally and jointly liable for all the labor performed for the corporation; but no execution shall issue against any trustee, till an execution against the corporation shall have been returned unsatisfied in whole or in part; and no such trustee shall be thus liable, unless suit for the collection of such debt shall have been brought against said corporation within one year after such debt shall have become due.

Trustees to report to superintendent of public instruction.

Disability of trustees for labor performed. Const. Art. 15, Sec. 7.

(3143.) SEC. 10. Service of legal process on any such corporation may be made on any one of the trustees thereof, if such trustee be in the county in which the institution is located; but if not, then by leaving a copy of such process with any officer in the employ thereof, at its principal place of business.

How service of process to be made on corporation.

(3144.) SEC. 11. Any institution of learning now in existence in this State, whether incorporated or not, shall be entitled to all the benefits of this act, by complying with the provisions of this act; and may, by a vote of the majority of such corporation or unincorporated company or association, to be taken according to the act of incorporation, by-laws, or other legal regulations thereof, determine to avail itself of the provisions of this act, and to take and assume corporate name and powers thereunder, and may, by a like vote, transfer to such corporation, formed under this act, all its property, both real, personal, and mixed; and thereupon said

Existing institutions may become incorporated under this act.

Rights, powers,
and liabilities of
such new corpo-
ration.

corporation, to which such property is so transferred, shall take the same in the same manner, to the same extent, and with the like effect as the same was previously owned and held by the corporation, company, or association so transferring the same, and may, in its own corporate name, sue for and collect all debts, dues, demands, subscriptions, devises, and bequests thereof. The said corporation so taking such property as aforesaid, shall take the same subject to all liens, trusts, and limitations, both legal and equitable, to which the same was subject before such transfer, and shall also be liable for all the debts and obligations of such previous corporation, company or association, and shall pay the same, to the full extent of the value of such property at the time of so taking the same.

Restriction upon
powers of corpo-
ration.

(3145.) SEC. 12. Nothing in this act shall be construed as granting banking powers, or as allowing the business of brokerage, or any other powers not usually granted to or exercised by institutions for educational purposes.

This act shall take effect immediately.

CHAPTER CX.

LIBRARIES AND LYCEUMS.

Chapter fifty-three of Revised Statutes of 1846.

OF LIBRARIES.

Meeting of pre-
priators to form
corporations,
how called.

(3146.) SECTION 1. Any seven or more proprietors of a library may form themselves into a corporation, under such corporate name as they may adopt, for the purpose of enlarging, regulating, and using such library; and for that purpose any justice of the peace may, on the application of five or more of the proprietors, issue his warrant to one of them, directing him to call a meeting

of the proprietors at the time and place expressed in the warrant, for the purpose of forming such corporation, and such meeting shall be called by posting up a notice containing the substance of such warrant, in at least two public places in the township where such library is kept, at least seven days before the time of meeting.

(3147.) SEC. 2. Any seven or more of the proprietors of such library, met in pursuance of such notice, may choose a president, a clerk, a librarian, collector, treasurer, and such other officers as they may deem necessary; and they may also determine upon the mode of calling future meetings of the proprietors; and the proceedings of such first meeting, containing a specification of the corporate name adopted by such proprietors, shall be certified by the clerk of such corporation, and recorded by the county clerk of the county within which the same is formed, who shall be entitled to receive seventy-five cents for recording the same.

Proprietors may choose officers.

(3148.) SEC. 3. When such proprietors shall be organized as a corporation in the manner hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five, so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this chapter.

Powers and privileges of corporation.

Chap. 72.

(3149.) SEC. 4. The treasurer and collector shall give bond to such corporation, with sufficient sureties, to the satisfaction of the president, for the faithful discharge of their duties.

Bond of collector and treasurer.

(3150.) SEC. 5. The said proprietors may raise such sums of money, by assessment on the shares, as they shall judge necessary for the purpose of preserving, enlarging, and using the library; and the shares may be transferred according to such regulations as they may prescribe, and such corporation may hold real and personal estate to any amount not exceeding five thousand dollars, in addition to the value of their books.

Certain powers of corporation.

OF LYCEUMS.

(3151.) SEC. 6. Any fifteen or more persons, in any township or county within this State, who shall, by writing, associate for the purpose of mental improvement and the promotion of education, may form themselves into a corporation by the name of "The Lyceum of " (the name of the place where the meetings of the corporation are to be holden), by calling their first meeting and being organized in like manner as is provided in this chapter, in the case of library corporations; and every lyceum, upon becoming

Lyceums, how organized etc.

a corporation as aforesaid, shall have, during the pleasure of the Legislature, all the like rights, powers, and privileges, as the proprietors of such libraries, and may hold real and personal estate not exceeding six thousand dollars.

CHAPTER CXI.

TEACHERS' ASSOCIATIONS.

An Act to incorporate teachers' associations.

[Approved February 12, 1855. Laws of 1855, p. 268.]

Fifteen or more
teachers may
form corporation

(3152.) SECTION 1. *The People of the State of Michigan enact,* Any fifteen or more teachers, or other persons residing in this State, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place, and purpose of the meeting for such association, and shall file in the office of the Secretary of State a copy of the constitution and by-laws of said association.

Notice to be published.

May hold real
and personal
property.

Restrictions
upon its use.

(3153.) SEC. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

Privileges and
liabilities of
corporation.

(3154.) SEC. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the Revised Statutes of this State, so far as

such provisions shall be applicable in such case, and not inconsistent with the provisions of this act.

This act shall take effect immediately.

CHAPTER CXII.

LITERARY AND SCIENTIFIC ASSOCIATIONS.

An Act to authorize the formation of corporations for literary and scientific purposes.

[Approved March 21, 1865. Laws of 1865, p. 725.]

(3155.) SECTION 1. *The People of the State of Michigan enact,* ^{Powers of corporation.} All corporations organized and established under the provisions of this act, shall be capable of suing and being sued in any court of this State, and may have a common seal, and alter and amend the same at pleasure; may elect, in such a manner as they shall determine, all necessary officers, may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the members thereof shall direct.

(3156.) SEC. 2. Any number of persons, not less than ten, who shall, by articles of agreement in writing, associate themselves together according to the provisions of this act, for literary or scientific purposes, or both, or for missionary or other benevolent purposes, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic and corporate, in fact and in name, under any name assumed by them in the articles of agreement: *Provided,* That no two societies ^{Incorporated literary and other societies.} *Provided.* shall assume the same name.¹

¹ As amended by Act 18 of the Laws of 1867, p. 21, approved and took effect February 18, 1867.

Articles of association, how executed.	(3157.) SEC. 3. The articles of association of every such society shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state—
Contents.	<i>First.</i> The names of the parties associating in the first instance, and their places of residence; <i>Second.</i> The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years; <i>Third.</i> The objects for which it is organized, which shall be only for the promotion of literary and scientific pursuits.
Where filed.	(3158.) SEC. 4. Before any corporation formed under this act shall commence business, the persons associating shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county in this State in which the office of said association for the transaction of business shall be located; and a certified copy of such articles, certified by the said officers, shall be presumptive evidence of the facts therein stated, and of the incorporation of such association.
Directors.	(3159.) SEC. 5. The affairs of said corporation shall be managed by not less than five nor more than twenty directors, to be chosen for such period and in such manner as the by-laws of such corporation shall provide, and who shall hold their offices until their successors are chosen; but such board may elect from their number an executive committee, of such number, and with such powers, as the by-laws may provide.
Executive committee.	
Powers of corporation.	(3160.) SEC. 6. Any corporation formed under this act shall possess all the powers usually possessed by corporations, and may take by gift, purchase, devise, or otherwise, and may hold, property, both real and personal, to an amount not exceeding one hundred thousand dollars: <i>Provided,</i> That all property of such association shall be subject to taxation, except such property as shall be exempt under the provisions of subdivision eight of section five of chapter seventeen of the Compiled Laws.
Proviso.	
Election of officers.	(3161.) SEC. 7. The members of every such corporation shall elect, by ballot, from their number, a president, vice president, recording secretary, treasurer, and such other officers as their articles of association, constitution, or by-laws may require, who shall hold their office for a period not exceeding one year, or until a majority of the members of said association shall elect others in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board by death.
Directors to fill vacancies.	

resignation, or otherwise, for the unexpired portion of the current term of office of director: *Provided*, That the provisions of this Proviso. act shall in no wise affect any society or corporation duly organized under any act or acts of which this act is amendatory.¹

(3162.) SEC. 8. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not thereby be dissolved, but the election may be held at any time thereafter, by the proper officer giving thirty days' notice of the time and place of such election, in some newspaper published in the county in which said corporation holds its office for the transaction of business; and if no newspaper be published in said county, then such notice shall be published in some newspaper printed in the county nearest thereto. Proceedings when election is not held at proper time.

CHAPTER CXIII.

POLYTECHNIC ASSOCIATIONS.

An Act to provide for the establishment of polytechnic associations.

[Approved April 2, 1869. *Laws of 1869, p. 161.*]

(3163.) SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any two or more associations, incorporated either by general or special acts, as mechanics' associations, fireman's associations, or societies or associations for historical, literary, or scientific purposes, and not as money or business corporations, to agree together on such terms as they may adopt, not conflicting with the Constitution and laws of this State, to unite their property and interests, and to form polytechnic associations, as provided in this act, and to retain their separate organizations, Certain corporations may form into polytechnic associations.

¹ As amended by Act 160 of the Laws of 1871, p. 245, approved April 15, 1871.

or merge them entirely in that new association, as may be agreed upon in their articles of association.

May establish
libraries, etc.

(3164.) SEC. 2. Such polytechnic associations shall be authorized to establish and maintain libraries, lyceums, lectures, debates, and institutes, or departments, museums, and collections for historical, geographical, mechanical, scientific, literary, and artistic purposes, and such courses of instruction, and other arrangements for instruction and improvement in art, science, and intellectual advancement as may be agreed upon, and may establish premiums, in connection with any such subjects, and may aid inventors in perfecting their inventions, and in obtaining patents; and in case any firemen's or mechanics' associations are authorized to use any of their funds for benevolent purposes, the polytechnic association, into which such firemen's or mechanics' association may enter, may be authorized, by its articles of agreement, to use any of such funds derived from such firemen's or mechanics' associations, for similar purposes.

May aid invent-
ors.

How polytech-
nic associations
may organize.

(3165.) SEC. 3. Such polytechnic associations may be organized as follows: Any of the corporations authorized to unite, as aforesaid, may, at any meeting regularly called for that purpose, or at any annual meeting, vote to agree upon such union upon articles then or previously submitted in writing, and may then or thereafter appoint one or more persons to execute and acknowledge the same in its behalf, with power to act whenever the other association or associations with which the union is proposed to be made shall, in like manner, have acceded to such articles and authorized their execution. Such articles shall set forth the name and location of the polytechnic association to be organized, as well as the names of the various corporations uniting therein, and shall also set forth its plan of organization, and terms of management and membership, with such other special stipulations not inconsistent with this act as may be deemed advisable, and shall be signed and acknowledged in duplicate by the several persons authorized, as aforesaid, who shall append to each original, affidavits of their authority to act in the premises, and shall thereupon be submitted for approval to a Judge of the Supreme Court, or to the circuit judge of the circuit in which the association so formed is to be located; and when so approved, one of such originals shall be filed and recorded in the office of the Secretary of State, and the other of such originals shall be recorded in the office of the clerk of the county in which such association may be located; and thereupon such association shall become a body corporate, and may continue such for thirty years from

Who to execute
articles.

Articles; what
to contain.

Shall be signed
and acknowl-
edged, etc.

Who to approve
same.

Where filed and
recorded.

Body corporate.

the date of such filing. The Secretary of State, or his deputy, shall indorse upon the other duplicate original, a certificate of such filing and record, and the duplicate so certified, or any certified copy of the papers on file and recorded in the Secretary of State's office, as aforesaid, shall be evidence, in all courts and places, of the existence of such corporation, and of the terms and conditions of its articles, and their due and lawful execution; and unless otherwise provided in such articles, such association shall, upon its incorporation, become, without further process, vested with the property and subject to the liabilities of the corporations which have been united to form it, and may sue and be sued thereon, in its own name, at law or in equity.

Duty of Secretary of State; effect of indorsement on duplicate article by.

(3166.) SEC. 4. Any corporation which might originally have been capable in law of entering upon such an association, may at any time, with the assent of such association, become united therewith, by voting to accept its articles, and appointing some person or persons to sign and acknowledge an agreement to form such union; and such agreement, when signed and acknowledged by the proper agents of both associations, as nearly as may be in the manner provided for the execution of such original articles, and verified by affidavit, and approved by such Judge, shall be filed and recorded in like manner, and shall thenceforth be deemed part and parcel of such original articles, and may be certified in like manner, and have the same force in evidence as if it had originally been a part of such originals; and it shall not be necessary to recite such original articles at length in any such subsequent agreement.

How other corporations may unite.

(3167.) SEC. 5. Any polytechnic association incorporated under this act may, at any meeting called for that purpose, vote to amend its articles: *Provided*, The effect of such amendments might have been lawfully provided for in the original articles; and such amendments, certified under oath or affirmation, by the presiding officers and secretary acting at such meeting, may be recorded in the Secretary of State's office, and shall be regarded, and may be certified, as part of the articles of association: *Provided*, They shall have been approved by such Judge after their adoption and before they are filed as aforesaid.

Amendment to articles.

Provided.

Ibid.

(3168.) SEC. 6. Such polytechnic associations shall be authorized to receive property in any lawful way, but no such property, nor the income thereof, shall be used for any purpose not contemplated by this act; and no title or agreement in favor of or against any such association, shall fail by misnomer, where the real intent

Powers and restriction relative to property.

Governor or
Attorney Gen-
eral may investi-
gate.

shall be made to appear. And the Governor or the Attorney General, as well as the Legislature, shall at all times be entitled summarily to investigate the affairs of any such corporation, and to examine witnesses on oath touching the same, without the necessity of commencing legal proceedings.

May receive
school, etc.,
libraries for
safe keeping.

(3169.) SEC. 7. Such associations may receive into their rooms for safe-keeping, any school or other public libraries, upon such terms as may be agreed upon, except that no public board or officers shall be at liberty to transfer to such association any public money, or the ownership or control of any such library, so as in any way to impair the duty or responsibility imposed by law upon such board or officers as custodians of such funds or libraries.

CHAPTER CXIV.

POMOLOGICAL AND HORTICULTURAL SOCIETIES.

An Act to provide for the incorporation of societies for the promotion of pomology, horticulture, and the kindred sciences and arts in the State of Michigan.

[Approved April 15, 1871. Laws of 1871, p. 195.]

Five persons
may associate.

(3170.) SECTION 1. *The People of the State of Michigan enact,* That any five or more persons, and their successors, that may hereafter associate together for the purpose of promoting the interests of pomology, horticulture, agriculture, and kindred sciences and arts, may become a body corporate by complying with the requirements of this act.

Notice of meet-
ing for organiza-
tion.

(3171.) SEC. 2. The persons intending to become a body corporate for the above named purpose shall publish a notice of their intention to meet for organization three successive weeks in the newspaper published next nearest to the place where such meeting

is to be held ; said notice to state the object of the meeting, and when and where it will be held, and to be signed by at least three of the persons interested in establishing such organization ; said meeting to be open to the public.

(3172.) SEC. 3. The articles of association adopted at the meeting provided for in the preceding section shall specify— Articles of association.

First. The names, officers, and objects of association ;

Second. The limit of property ;

Third. The limit of subscription of members ;

Fourth. The town, city, village, county, district, or extent of the territory in which the operations of the society may be carried on, or to which they are limited.

(3173.) SEC. 4. The articles of association, duly acknowledged by each stockholder, together with a certificate, signed by the secretary, stating the amount of subscription paid in, must be registered in the office where the association is located, in a book kept for that purpose, and a copy of the same must be forwarded to the Secretary of State. When recorded.

(3174.) SEC. 5. On complying with the requirements of this act as above specified, the association so organized shall be a body corporate, and shall be capable of buying and selling real estate in the same manner as the agricultural societies ; of suing and being sued in any court of this State ; may have a common seal, and may alter or amend the same at pleasure ; and be subject to the laws of the State applicable to agricultural societies ; may make such by-laws and regulations, not inconsistent with its articles or with this act, as may be found desirable to promote the efficiency of the organization : *Provided*, That the by-laws shall not exclude any citizen of Michigan from membership of the association, attending the exhibitions, or participating in its discussions, who shall subscribe and pay to the funds of the society such sum or sums annually as the by-laws of the association shall prescribe. Corporate rights. Provide.

(3175.) SEC. 6. Should a State association for the promotion of pomology, horticulture, agriculture, and kindred sciences and arts be organized under this act, it shall be the duty of the secretary of said State society to make and transmit to the Secretary of State a report of the transactions of said society, including copies of papers read at its meetings, reports of exhibitions held, and of facts collected by correspondence or otherwise, at the end of the month of December of each year ; said report of transactions to be printed in similar form and number of copies as the reports and transac- State association Annual report. Secretary of State to print report.

ASSOCIATIONS

CHAP. I

of Agriculture and State Agronomist
of the Secretary of State.
county, town, city, or village associations
are hereby required to report, on or before
the first of November in each year, to the
the proceedings of said associations
statement of the facts elicited and of the
preceding year; such reports from
village societies, to be used as a
report of the State associations.
incorporated under this act shall
thereof, be entitled to all the
privileges accorded by law to
the State.
immediate effect.

CHAPTER CXV.

PUBLISHING ASSOCIATIONS.

An Act to provide for the incorporation of associations for the publication of newspapers, books, tracts, documents, and other publications.
[Approved March 7, 1881. Laws of 1881, p. 224.]

(3178.) SECTION 1. The People of the State of New York do hereby enact and declare, That any three or more persons may associate themselves together and form a body corporate, for the purpose of publishing newspapers, books, tracts, documents, and other publications, of a religious, historical, literary, agricultural, scientific, or other character; which corporation shall, so far as the laws of this State may require, be subject to the same regulations as corporations created by special act of the Legislature.

applicable, be subject to the provisions of chapter seventy-three of the Compiled Laws of eighteen hundred and fifty-seven.

(3179.) SEC. 2. Such persons shall, under their hands and seal, make a certificate, which shall specify the name and location of such corporation, the names and places of residence of the shareholders, the number of shares held by each of them, respectively, and the amount of all other property, real or personal, that may be held by such corporation; which certificate shall be recorded in the office of the Secretary of State, and in the office of the clerk of the county in which such corporation is located.

Certificate specifying name, etc.

To be recorded.

(3180.) SEC. 3. Upon compliance with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real estate purchased by it, or that may be given, granted, or devised to it as a corporation, in accordance with the provisions of law at the time such grant or devise shall take effect, as may be necessary for its use and occupation for the purposes of business, also personal property not exceeding one hundred thousand dollars: *Provided*, That all property of such association shall be subject to taxation, and shall be used for no other purposes than in the legitimate business of the association, and to secure the object of its incorporation.¹

Body corporate.

Powers of.

Property taxable

(3181.) SEC. 4. Any association heretofore organized under the laws of this State, for the purposes above mentioned, or that may be organized under this act, may enlarge its capital stock by a vote of its stockholders, and such enlargement shall take effect upon filing a certified copy of the resolution of such stockholders in the office of the Secretary of State, and of said county clerk.²

Enlargement of capital stock authorized.

An Act to provide for the incorporation of associations engaged in the publication of newspapers, periodicals, books, and other matter.

[Approved March 21, 1865. Laws of 1865, p. 647.]

(3182.) SECTION 1. *The People of the State of Michigan enact*, That any three or more persons may associate themselves together for the purpose of procuring intelligence for the newspaper press from all parts of the world, by telegraph or otherwise, upon such terms and conditions, and subject to the liabilities, prescribed in this act.

Associations authorized.

(3183.) SEC. 2. Such persons shall, under their hands and seals, sign articles of association, in which shall be specified—

Articles of association.

¹ As amended by Act 817 of the Laws of 1865, p. 668, approved March 21, 1865.

² As added by Act 817 of the Laws of 1865, p. 668, approved March 21, 1865.

Contents of.	<p><i>First.</i> The name of said association ;</p> <p><i>Second.</i> The capital stock, and the number of shares into which the same shall be divided ;</p> <p><i>Third.</i> The purposes for which such association is established ;</p> <p><i>Fourth.</i> The place where the office of business of said association shall be located ;</p> <p><i>Fifth.</i> The term of the existence of said association, not to exceed thirty years.</p>
Articles, where filed and recorded.	The said articles shall be filed with the Secretary of State, and a copy thereof recorded in the office of the county clerk where the office of said company is established, and thereupon the said association shall be and the same is hereby declared to be a body corporate, under the name mentioned in such articles of association.
Power of association.	(3184.) SEC. 3. It shall be competent for the said association to form by-laws, to provide therein for the annual election of so many directors and such other officers and agents as may be deemed expedient by said association, and generally to do any and all things authorized by chapter seventy-three of the Compiled Laws
Stockholders individually liable.	of eighteen hundred and fifty-seven ; and the stockholders of all corporations founded upon this act shall be individually liable for all labor performed for such corporations or associations, which
How enforced.	said liability may be enforced against any stockholders founded on this statute, at any time after an execution shall be returned not
Stockholders paying may recover from their associates.	satisfied, against said company: <i>Provided always,</i> That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.
Increase of capital authorized.	(3185.) SEC. 4. The said association may, at a meeting called for that purpose, increase their capital, but never to exceed the sum of five hundred thousand dollars: <i>Provided,</i> That all property of such association shall be subject to taxation, and shall be used for
Property subject to taxation.	no other purpose than in the legitimate business of the association, and to secure the object of its incorporation.
Powers may be rescinded, etc.	(3186.) SEC. 5. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs.
	SEC. 6. This act shall take immediate effect.

CHAPTER CXVI.

FINE ARTS.

An Act to provide for the incorporation of associations for the encouragement of the fine arts.

[Approved March 18, 1865. Laws of 1865, p. 494.]

(3187.) SECTION 1. *The People of the State of Michigan enact,* ^{Powers of cor-}
All corporations organized and established under the provisions of ^{porations.}
this act shall be capable of suing and being sued in any court in
this State, and may have a common seal, and alter and amend the
same at pleasure; may elect, in such a manner as they shall deter-
mine, all necessary officers; may fix their compensation and deter-
mine their duties, and make, from time to time, such by-laws, not
inconsistent with the Constitution and laws of this State, as a
majority of the stockholders shall direct.

(3188.) SEC. 2. Any number of persons, not less than five, who ^{Body corporate.}
shall, by articles of agreement in writing, associate, according to
the provisions of this act, under any name assumed by them, for
the purpose of purchasing and of erecting or constructing a build-
ing or galleries for the exhibition, for a reasonable admission fee, of
paintings, sculpture, engravings, and other works of art, and for
the distribution of such works among subscribers or purchasers of
right therefor, and who shall comply with the provisions of this
act, shall, with their successors and assigns, constitute a body poli-
tic and corporate, in fact and name, under any name assumed by
them in their articles of association: *Provided however,* That in ^{Provide.}
such distribution, each subscriber or purchaser of a right therein

shall be entitled to at least one of the pieces of sculpture, paintings, engravings, or specimens of the fine arts exhibited by such association for such distribution.

Articles of association; how executed.

(3189.) SEC. 3. The articles of agreement of every such association shall be signed by the persons associating in the first instance, and acknowledged before some officer authorized by the laws of this State to take acknowledgment of deeds, and shall state—

Contents of.

First. Distinctly and definitely the purpose for which the same is formed;

Second. The amount of their capital stock, and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The place in this State where their office for the transaction of business is located, and the county or counties in which their business is to be carried on;

Sixth. The term of its existence, not to exceed thirty years.

Articles; where filed.

And such articles, with the certificate of acknowledgment thereof, shall be filed in the office of the Secretary of State of this State, and a duplicate thereof in the office of the clerk of the county where such association shall conduct its business, and which articles shall be recorded at length in said offices, in books provided therefor at expense of such corporation.

Annual report of corporation.

(3190.) SEC. 4. Every such corporation shall, annually, in the month of July, make a report to the Auditor General of this State, signed by a majority of the board of directors, containing—

Contents of.

First. The amount of capital actually paid in;

Second. The amount invested in real estate;

Third. The amount of personal estate;

Fourth. The amount of their debts and credits, as near as may be;

Fifth. The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified on oath by the officers signing the same; and if any person shall, as to any material facts, knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly.

Capital stock; amount of.

(3191.) SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than twenty thousand dollars nor more than five hundred thousand dollars, of which fifty per cent shall be actually paid in at the time of filing

such articles, and shall be divided into shares of twenty-five dollars each. The capital stock may be increased, and the number of shares, at any meeting of the stockholders called for that purpose:

Provided, That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.

(3192.) SEC. 6. The purposes for which every such corporation shall be established shall be distinctly and definitely specified in the articles of association; and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

(3193.) SEC. 7. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation, at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper, at least fifteen days before the time appointed for such meeting.

(3194.) SEC. 8. The stock, property, and affairs of such corporation shall be managed by not less than three nor more than nine directors, as the articles shall determine, one of whom shall be a resident of this State. They shall hold their offices one year and until their successors shall be duly chosen.

(3195.) SEC. 9. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until a majority of the stockholders shall choose others in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the current year.

(3196.) SEC. 10. The directors may call in the remaining fifty per cent of the subscription to the capital stock of such corporation by installments, in such portion, and at such times and places, as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside in the State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county. If no newspaper be published in said county in which such corporation transact their

business, then it shall be published in some newspaper in the city of Detroit, and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Quorum.

(3197.) SEC. 11. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy duly filed.

Proceedings when election of directors does not take place at annual meeting.

(3198.) SEC. 12. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days' notice of the time and place of such election, in the manner provided in the tenth section.

Books of corporation to be open.

(3199.) SEC. 13. The books of every such corporation containing the accounts shall, at all reasonable times, be open for the inspection of any of the stockholders, and, as often as once in each year, a statement of the accounts of such corporation shall be made by order of the directors, and laid before the stockholders.

Annual statement of accounts

Corporation may hold personal and real estate.

(3200.) SEC. 14. Every such corporation shall have power under their corporate name to acquire and hold all such personal estate as shall be necessary and convenient for the purposes of its organization, and such real estate as shall be required for a proper and convenient building for the purposes aforesaid, not exceeding one hundred feet in front, in any incorporated city, and may lease to others any portion of said building not needed for its own use.

Stock deemed personal property. How transferred

(3201.) SEC. 15. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company, in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members invested therein, for all the debts due from them to such corporation, which may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock, and all purchasers at such sale shall be entitled to the rights of stockholders.

Corporation to have lien on stock.

Distribution of works of art.

(3202.) SEC. 16. Such corporation shall provide in its by-laws for the mode of distribution of the works of art amongst the sub-

scribers and purchasers of right therein, and a printed copy of such by-laws shall be exhibited in a conspicuous place in the exhibition room of such association.

(3203.) SEC. 17. The stockholders of all corporations founded upon this act shall be individually liable for all labor performed for such corporation or association, which said liability may be enforced against any stockholders by action founded on this statute, at any time after an execution shall be returned not satisfied against said company: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any member of them, and recover in such action the ratable amount due from the person or persons so sued. Stockholders individually liable.
 Proviso.

(3204.) SEC. 18. All corporations formed under the provisions of this act shall be liable to assessment and taxation upon their real estate and personal property. Corporation liable to taxation.

(3205.) SEC. 19. Service of any legal process against any corporation formed under this act may be made on the president, secretary, or agent, or if neither of them can be found in the county in which, by their articles of association, they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office in [of] the company, in said county. Legal process against corporation, how served

(3206.) SEC. 20. If any such corporation, organized and established under this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation shall jointly and severally be liable, in an action founded on this statute, for all debts contracted after such violation. When incorporation becomes insolvent, directors liable.

(3207.) SEC. 21. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs. Legislature may rescind powers of corporation.

(3208.) SEC. 22. That this act shall be subject to the provisions of chapter fifty-five, title ten, of the Revised Statutes of eighteen hundred and forty-six, so far as applicable to companies formed under this act.¹ Subject to provisions of former act.

¹ See chapter 130 of this compilation.

tions of the State Board of Agriculture and State Agricultural Society, under the direction of the Secretary of State.

County or town associations.

(3176.) SEC. 7. District or county, town, city, or village associations organized under this act are hereby required to report through their secretary, in the month of November in each year, to the secretary of the State association, the proceedings of said society during the year, giving a statement of the facts elicited and of the experience gained during the preceding year; such reports from district, county, town, city, or village societies, to be used as correspondence in compiling the report of the State association provided for in section six.

Annual report.

Privileges, etc.

(3177.) SEC. 8. Associations incorporated under this act shall, on compliance with the requirements thereof, be entitled to all the immunities, emoluments, and privileges accorded by law to the agricultural societies of this State.

SEC. 9. This act shall take immediate effect.

CHAPTER CXV.

PUBLISHING ASSOCIATIONS.

An Act to provide for the incorporation of associations for the publication of periodicals, newspapers, books, tracts, documents, and other publications.

[Approved March 7, 1861. Laws of 1861, p. 129.]

Publishing associations authorized.

(3178.) SECTION 1. *The People of the State of Michigan enact,* That any three or more persons may associate themselves together as a body corporate, for the purpose of publishing periodicals, newspapers, books, tracts, documents, and other publications of a religious, historical, literary, agricultural, scientific, or educational character; which corporation shall, so far as the same shall be

applicable, be subject to the provisions of chapter seventy-three of the Compiled Laws of eighteen hundred and fifty-seven.

(3179.) SEC. 2. Such persons shall, under their hands and seal, make a certificate, which shall specify the name and location of such corporation, the names and places of residence of the shareholders, the number of shares held by each of them, respectively, and the amount of all other property, real or personal, that may be held by such corporation; which certificate shall be recorded in the office of the Secretary of State, and in the office of the clerk of the county in which such corporation is located.

Certificate specifying name, etc.

To be recorded.

(3180.) SEC. 3. Upon compliance with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real estate purchased by it, or that may be given, granted, or devised to it as a corporation, in accordance with the provisions of law at the time such grant or devise shall take effect, as may be necessary for its use and occupation for the purposes of business, also personal property not exceeding one hundred thousand dollars: *Provided*, That all property of such association shall be subject to taxation, and shall be used for no other purposes than in the legitimate business of the association, and to secure the object of its incorporation.¹

Body corporate.

Powers of.

Property taxable

(3181.) SEC. 4. Any association heretofore organized under the laws of this State, for the purposes above mentioned, or that may be organized under this act, may enlarge its capital stock by a vote of its stockholders, and such enlargement shall take effect upon filing a certified copy of the resolution of such stockholders in the office of the Secretary of State, and of said county clerk.²

Enlargement of capital stock authorized.

An Act to provide for the incorporation of associations engaged in the publication of newspapers, periodicals, books, and other matter.

[Approved March 21, 1865. Laws of 1865, p. 647.]

(3182.) SECTION 1. *The People of the State of Michigan enact*, That any three or more persons may associate themselves together for the purpose of procuring intelligence for the newspaper press from all parts of the world, by telegraph or otherwise, upon such terms and conditions, and subject to the liabilities, prescribed in this act.

Associations authorized.

(3183.) SEC. 2. Such persons shall, under their hands and seals, sign articles of association, in which shall be specified—

Articles of association.

¹ As amended by Act 817 of the Laws of 1865, p. 668, approved March 21, 1865.

² As added by Act 817 of the Laws of 1865, p. 668, approved March 21, 1865.

Contents of.

First. The name of said association ;

Second. The capital stock, and the number of shares into which the same shall be divided ;

Third. The purposes for which such association is established ;

Fourth. The place where the office of business of said association shall be located ;

Fifth. The term of the existence of said association, not to exceed thirty years.

Articles, where filed and recorded.

The said articles shall be filed with the Secretary of State, and a copy thereof recorded in the office of the county clerk where the office of said company is established, and thereupon the said association shall be and the same is hereby declared to be a body corporate, under the name mentioned in such articles of association.

Power of association.

(3184.) SEC. 3. It shall be competent for the said association to form by-laws, to provide therein for the annual election of so many directors and such other officers and agents as may be deemed expedient by said association, and generally to do any and all things authorized by chapter seventy-three of the Compiled Laws of eighteen hundred and fifty-seven ; and the stockholders of all corporations founded upon this act shall be individually liable for all labor performed for such corporations or associations, which said liability may be enforced against any stockholders founded on this statute, at any time after an execution shall be returned not satisfied, against said company : *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Stockholders individually liable.

How enforced.

Stockholders paying may recover from their associates.

Increase of capital authorized.

(3185.) SEC. 4. The said association may, at a meeting called for that purpose, increase their capital, but never to exceed the sum of five hundred thousand dollars : *Provided*, That all property of such association shall be subject to taxation, and shall be used for no other purpose than in the legitimate business of the association, and to secure the object of its incorporation.

Property subject to taxation.

Powers may be rescinded, etc.

(3186.) SEC. 5. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs.

SEC. 6. This act shall take immediate effect.

CHAPTER CXVI.

FINE ARTS.

An Act to provide for the incorporation of associations for the encouragement of the fine arts.

[Approved March 18, 1865. Laws of 1865, p. 494.]

(3187.) SECTION 1. *The People of the State of Michigan enact,* Powers of cor-
 All corporations organized and established under the provisions of porations.
 this act shall be capable of suing and being sued in any court in
 this State, and may have a common seal, and alter and amend the
 same at pleasure; may elect, in such a manner as they shall deter-
 mine, all necessary officers; may fix their compensation and deter-
 mine their duties, and make, from time to time, such by-laws, not
 inconsistent with the Constitution and laws of this State, as a
 majority of the stockholders shall direct.

(3188.) SEC. 2. Any number of persons, not less than five, who Body corporate.
 shall, by articles of agreement in writing, associate, according to
 the provisions of this act, under any name assumed by them, for
 the purpose of purchasing and of erecting or constructing a build-
 ing or galleries for the exhibition, for a reasonable admission fee, of
 paintings, sculpture, engravings, and other works of art, and for
 the distribution of such works among subscribers or purchasers of
 right therefor, and who shall comply with the provisions of this
 act, shall, with their successors and assigns, constitute a body poli-
 tic and corporate, in fact and name, under any name assumed by
 them in their articles of association: *Provided however,* That in Provide.
 such distribution, each subscriber or purchaser of a right therein

shall be entitled to at least one of the pieces of sculpture, paintings, engravings, or specimens of the fine arts exhibited by such association for such distribution.

Articles of association; how executed.

(3189.) SEC. 3. The articles of agreement of every such association shall be signed by the persons associating in the first instance, and acknowledged before some officer authorized by the laws of this State to take acknowledgment of deeds, and shall state—

Contents of.

First. Distinctly and definitely the purpose for which the same is formed;

Second. The amount of their capital stock, and the number of shares;

Third. The amount of capital stock actually paid in;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth. The place in this State where their office for the transaction of business is located, and the county or counties in which their business is to be carried on;

Sixth. The term of its existence, not to exceed thirty years.

Articles; where filed.

And such articles, with the certificate of acknowledgment thereof, shall be filed in the office of the Secretary of State of this State, and a duplicate thereof in the office of the clerk of the county where such association shall conduct its business, and which articles shall be recorded at length in said offices, in books provided therefor at expense of such corporation.

Annual report of corporation.

(3190.) SEC. 4. Every such corporation shall, annually, in the month of July, make a report to the Auditor General of this State, signed by a majority of the board of directors, containing—

Contents of.

First. The amount of capital actually paid in;

Second. The amount invested in real estate;

Third. The amount of personal estate;

Fourth. The amount of their debts and credits, as near as may be;

Fifth. The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified on oath by the officers signing the same; and if any person shall, as to any material facts, knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly.

Capital stock; amount of.

(3191.) SEC. 5. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be less than twenty thousand dollars nor more than five hundred thousand dollars, of which fifty per cent shall be actually paid in at the time of filing

such articles, and shall be divided into shares of twenty-five dollars each. The capital stock may be increased, and the number of shares, at any meeting of the stockholders called for that purpose:

Provided, That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.

(3192.) SEC. 6. The purposes for which every such corporation shall be established shall be distinctly and definitely specified in the articles of association; and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

(3193.) SEC. 7. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation, at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper, at least fifteen days before the time appointed for such meeting.

(3194.) SEC. 8. The stock, property, and affairs of such corporation shall be managed by not less than three nor more than nine directors, as the articles shall determine, one of whom shall be a resident of this State. They shall hold their offices one year and until their successors shall be duly chosen.

(3195.) SEC. 9. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until a majority of the stockholders shall choose others in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the current year.

(3196.) SEC. 10. The directors may call in the remaining fifty per cent of the subscription to the capital stock of such corporation by installments, in such portion, and at such times and places, as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside in the State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county. If no newspaper be published in said county in which such corporation transact their

Increase of.

Proviso.

Objects of corporation to be stated in articles.

First meeting of the corporation.

Directors.

Term of office.

Officers of corporation.

Directors may call in capital stock.

Sale of forfeited stock.

Proviso.

Publication of notice of sale.

business, then it shall be published in some newspaper in the city of Detroit, and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Quorum.

(3197.) SEC. 11. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy duly filed.

Proceedings when election of directors does not take place at annual meeting.

(3198.) SEC. 12. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days' notice of the time and place of such election, in the manner provided in the tenth section.

Books of corporation to be open.

(3199.) SEC. 13. The books of every such corporation containing the accounts shall, at all reasonable times, be open for the inspection of any of the stockholders, and, as often as once in each year, a statement of the accounts of such corporation shall be made by order of the directors, and laid before the stockholders.

Annual statement of accounts

Corporation may hold personal and real estate.

(3200.) SEC. 14. Every such corporation shall have power under their corporate name to acquire and hold all such personal estate as shall be necessary and convenient for the purposes of its organization, and such real estate as shall be required for a proper and convenient building for the purposes aforesaid, not exceeding one hundred feet in front, in any incorporated city, and may lease to others any portion of said building not needed for its own use.

Stock deemed personal property. How transferred

(3201.) SEC. 15. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company, in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members invested therein, for all the debts due from them to such corporation, which may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock, and all purchasers at such sale shall be entitled to the rights of stockholders.

Corporation to have lien on stock.

Distribution of works of art.

(3202.) SEC. 16. Such corporation shall provide in its by-laws for the mode of distribution of the works of art amongst the sub-

scribers and purchasers of right therein, and a printed copy of such by-laws shall be exhibited in a conspicuous place in the exhibition room of such association.

(3203.) SEC. 17. The stockholders of all corporations founded upon this act shall be individually liable for all labor performed for such corporation or association, which said liability may be enforced against any stockholders by action founded on this statute, at any time after an execution shall be returned not satisfied against said company: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any member of them, and recover in such action the ratable amount due from the person or persons so sued. Stockholders individually liable.

(3204.) SEC. 18. All corporations formed under the provisions of this act shall be liable to assessment and taxation upon their real estate and personal property. Proviso. Corporation liable to taxation.

(3205.) SEC. 19. Service of any legal process against any corporation formed under this act may be made on the president, secretary, or agent, or if neither of them can be found in the county in which, by their articles of association, they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office in [of] the company, in said county. Legal process against corporation, how served

(3206.) SEC. 20. If any such corporation, organized and established under this act, shall willfully violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation shall jointly and severally be liable, in an action founded on this statute, for all debts contracted after such violation. When incorporation becomes insolvent, directors liable.

(3207.) SEC. 21. The Legislature may at any time, for just cause, rescind the powers of any corporation created pursuant to the provisions of this act, and prescribe such mode as may be necessary or expedient for the settlement of its affairs. Legislature may rescind powers of corporation.

(3208.) SEC. 22. That this act shall be subject to the provisions of chapter fifty-five, title ten, of the Revised Statutes of eighteen hundred and forty-six, so far as applicable to companies formed under this act.¹ Subject to provisions of former act.

¹ See chapter 180 of this compilation.

CHAPTER CXVII.

MUSICAL SOCIETIES.

An Act for the incorporation of musical societies.

[Approved February 16, 1857. Laws of 1857, p. 354.]

Corporations
may be organ-
ized for instruc-
tion in music.

(3209.) SECTION 1. *The People of the State of Michigan enact,* That corporations may be organized under the provisions of this act, for the instruction of vocal and instrumental music, and the giving of public vocal and instrumental concerts, subject to the provisions hereinafter set forth.

Articles of agree-
ment, how exe-
cuted; where to
be filed and re-
corded.

(3210.) SEC. 2. That any five or more persons, who may desire to become incorporated for the purpose set forth in section one, may execute under their hands, and acknowledge before some person within this State authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county or counties in this State in which the office of said association, for the transaction of business, may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purposes set forth in such articles.

What articles to
contain.

(3211.) SEC. 3. The articles of such association shall contain:

First. The names of the persons associating in the first instance, and their places of residence;

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years ;

Third. The objects for which it is organized, which shall be stated with convenient certainty and expressly ;

Fourth. The number of its directors and regular officers, and the time and place for holding its annual meeting ;

Fifth. The terms and conditions of membership therein ;

(3212.) SEC. 4. The officers [affairs] of said corporation shall be managed by not less than five or more than twenty directors, to be chosen for such period and in such manner as the by-laws of such corporation shall provide, and who shall hold their offices until their successors are chosen. The officers may, be chosen, and the by-laws of such corporation adopted and changed, by the directors, as the articles or by-laws may prescribe. A majority of the directors shall be a quorum to transact business. All of such directors shall be residents of the State of Michigan.

Directors; how chosen.

Powers of directors.

(3213.) SEC. 5. No such corporation shall have power to take or hold any real estate, except such as may be necessary for the transaction of its business, for a longer period than thirty years.

Restriction on power to hold real estate.

(3214.) SEC. 6. All the funds received by such corporation shall be used in the first instance, or shall be invested, and the income thereof used, after paying necessary expenses, for the exclusive purpose set forth in the articles of association ; and no portion thereof shall be used for any such purpose, except within the State ; and no portion of the funds of any such incorporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by said corporation. Such corporation may take by gift, purchase, or devise, property (exclusive of that actually used and necessary for the transaction of its business) to an amount not exceeding fifty thousand dollars ; and it shall be lawful to invest the same upon mortgage, or in or by loan on railroad stocks or bonds, or any city, county, or government securities, or deposit it at some bank, or with any broker in this State : *Provided*, That any such corporation may, in its articles of agreement, specify the kind of securities in which its funds shall be invested ; and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act.

How funds to be used and property invested.

Limitation as to property corporation may hold.

Provide.

No two to have
same name.

(3215.) SEC. 7. No two such associations incorporated under this act shall transact business under the same name.

Specific tax to
be paid to State.

(3216.) SEC. 8. Every association organized under the provisions of this act shall pay to the State Treasurer, on or before the second Monday of January in each year, during its corporate existence, one per cent upon its capital actually invested, deducting the real estate held by such association; which amount shall be in lieu of all other taxes or assessments. All real estate owned by such association may be taxed as other real estate in the city, village, or township where the same may be situated.

SEC. 9. This act shall take immediate effect.

CHAPTER CXVIII.

MASONIC LODGES.

An Act to provide for the incorporation of Masonic lodges.

[Approved March 10, 1865. Laws of 1865, p. 251.]

Incorporation
authorized.

(3217.) SECTION 1. *The People of the State of Michigan enact,* That any chapter of Royal Arch Masons, and any chartered lodge of the order of Free and Accepted Masons, may be incorporated in pursuance of the provisions of this act.

Masonic orders.

(3218.) SEC. 2. Any ten or more residents of this State, being members either of any commandery of Knights Templars, council, chapter of Royal Arch Masons, or of any chartered lodge of the order of Free and Accepted Masons, or being members of any such commandery, council, chapter, or lodge, who shall be desirous to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth—

Articles of
association.

First. The names of persons associating in the first instance, and their place[s] of residence;

Second. The name and location of the lodge of which they are members, or the name and location of the commandery, council, or chapter of which they are members; and in case it is the intention to incorporate a lodge and chapter together, the names of both such lodge and chapter shall be stated or given;

Third. The corporate name by which such association shall be known in the law;

Fourth. The object and purpose of such association, which shall be to promote the general welfare of the Masonic fraternity; and the period for which it is incorporated, not exceeding thirty years.¹

(3219.) SEC. 3. A copy of said articles of association, together with a copy of the charter of the lodge or chapter of which the persons executing said articles are members, or, in case a lodge and chapter are to be incorporated together, a copy of the charters of both such lodge and chapter of which such persons are members of one or both, shall be filed with the county clerk of the county in which such corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates, and successors, shall be a body politic and corporate, by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in the law capable of suing and being sued, and they and their successors may have a common seal, and the same may change and alter at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State, of the existence and due incorporation of such corporation.¹

Copy of articles must be filed.

Body corporate.

Powers of.

Common seal.

Copy of articles may be used in evidence.

(3220.) SEC. 4. Every corporation formed in pursuance of this act may erect and own such suitable edifice, building, or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the Masonic fraternity, and for that may create a capital stock of not more than seventy-five thousand dollars, to be divided into shares of not more than fifty dollars each, and may take, receive, purchase, and hold, in its corporate capacity, real and personal estate, and the same, or any part thereof, demise, convey,

Corporation to erect building and own.

Capital stock, limit of.

May own ground for cemetery.

¹As amended by Act 141 of the Laws of 1867, p. 196, approved and took effect March 27, 1867.

mortgage, use, and dispose of at pleasure; and any such corporation may take, purchase, hold, and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery; and may make all lawful rules and regulations for the disposition of lots and the burial of the dead therein, as to such corporation may seem proper.¹

Elect trustees. (3221.) SEC. 5. The stockholders, each of whom shall be entitled to one vote for each share of stock held by him, may elect from their number a board of trustees, of not less than six nor more than nine members, a majority of whom shall form a quorum; and the trustees shall appoint from their own number a president, secretary, and treasurer, who shall perform the duties of their offices in accordance with the rules and regulations which may be prescribed by the board of trustees.¹

A quorum.

Elect officers.

Powers of board of trustees. (3222.) SEC. 6. The management and direction of the interests, affairs, and property of such corporation shall be vested in said board of trustees, and said board shall make all needful rules, ordinances, and by-laws, regulating the transaction of the business and management of the property, and all the affairs, concerns, and interests of such corporation, and providing for the time and manner of electing the officers and trustees of the corporation, and the length of the term of office of the trustees, a part of whom, after the first election, shall be chosen annually: *Provided*, That such rules, ordinances, and by-laws shall not be repugnant to the constitution and laws of the grand lodge of the order of Free Masons of the State of Michigan, and the Constitution and laws of the United States and this State.

Proviso.

Powers of by-laws. (3223.) SEC. 7. Every corporation organized under and in pursuance of this act shall have full power and authority to provide by its by-laws, from time to time, for the election from its members of such other officers of the corporation, under and by such name and style as shall be in accordance with its Masonic constitution; and instead of appointing a board of trustees to have the management and control of its property, interests, and affairs, as provided in sections five and six of this act, may, if the corporation so choose, provide in its by-laws that the property, affairs, and interests of the corporation shall be managed and controlled by such persons or officers of the corporation, or in such manner, as the corporation shall from time to time provide for that purpose in such by-laws; and the corporation may enact all such by-laws, rules, and regula-

Trustees not necessary.

¹ As amended by Act 190 of the Laws of 1867, p. 284, approved and took effect March 27, 1867.

tions as may be necessary for its government, and for the care and management of its property, affairs, and interests, and to carry into effect the powers and privileges in this act granted, and may alter and amend the same at pleasure: *Provided*, That in all cases where such corporation shall choose to appoint a board of trustees to have the management of its property and affairs, such board shall have the powers and the management and direction of the interests and property of the corporation, as provided in said sections five and six of this act.¹

(3224.) SEC. 8. All corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter or amend this act at any time.²

SEC. 9. This act shall take immediate effect.

(3225.) SEC. 10. Any lodge or chapter which shall have been incorporated before this act as amended takes effect as a law, may, by a vote of the members of such lodge or chapter, at any regular meeting thereof, surrender their corporate rights, powers, and liabilities, but such surrender shall not in any manner affect any suits which may be pending, or any action or causes of action accrued or accruing, or any rights which any person may have acquired, by virtue of such incorporation; but before such surrender shall be valid, a certificate of the proper officer, under the seal of such lodge or chapter, shall be filed in the office of the county clerk of the county in which such lodge or chapter may be, certifying that such lodge or chapter has voted to surrender its corporate rights; and any such lodge or chapter having so surrendered its corporate rights may be again incorporated, in conformity with this act as hereby amended.³

¹ See note to section 4 of this act.

² As amended by Act 61 of the Laws of 1869, p. 105, approved and took effect March 26, 1869.

³ As added by Act 141 of the Laws of 1867, p. 196, approved and took effect March 21, 1867.

CHAPTER CXIX.

INDEPENDENT ORDER OF ODD FELLOWS.

An Act to provide for the incorporation of lodges and encampments of the "Independent Order of Odd Fellows."

[Approved March 15, 1865. Laws of 1865, p. 330.]

Incorporation
authorized.

(3226.) SECTION 1. *The People of the State of Michigan enact,* That the grand and subordinate lodges of the "Independent Order of Odd Fellows," of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Articles of asso-
ciation.

(3227.) SEC. 2. Any five or more persons, resident of this State, being members of any grand lodge of the "Independent Order of Odd Fellows," of the State of Michigan, desirous to become incorporated, may make and execute articles of association, under their hands and seal, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds, and shall set forth—

Contents of.

First. The names of persons associating in the first instance, and their places of residence ;

Second. The corporate name by which such association shall be known in the law, and the place of its business office ;

Third. The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the "Independent Order of Odd Fellows," and the period for which it is incorporated, not exceeding thirty years.

Articles, where
filed.

(3228.) SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said grand lodge,

shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates, and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, take, receive, hold, and enjoy, to them and their successors, estates, real and personal, of suing and being sued, and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided*, That the value of such real and personal estate shall not exceed the sum of fifty thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents, and incomes shall be devoted exclusively to charitable and benevolent purposes of the "Independent Order of Odd Fellows." Said corporation shall have full power and authority to make and establish rules, regulations, and by-laws, for regulating and governing all the affairs and business of said corporation, according to the laws of this State and the United States, and to designate, elect, or appoint from its members such officers, under such name and style, as shall be in accordance with the constitution of the grand lodge.

(3229.) SEC. 4. A copy of the record of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State, of the existence and due incorporation of such corporation.

(3230.) SEC. 5. Such corporation, when duly formed, shall have power to institute and charter subordinate lodges within this State, and from time to time to make, ordain, constitute, and establish such constitution, general laws, and by-laws, ordinances, and regulations as the grand lodge shall judge proper for the regulation and government of such subordinate lodges, not repugnant to the laws of this State: *Provided*, That the existing subordinate lodges heretofore duly chartered by the grand lodge shall be subject to the control of the grand lodge, under this act, as heretofore, and in the same manner and to the same extent as those that may be hereafter instituted and chartered under this act: *Provided further*, That in case the corporators or persons associating in the first instance shall, by death, resignation, or for other cause, under the rules of the grand lodge, become ineligible to act in such capacity, their successors may, from time to time, be appointed by the grand lodge.

Incorporation
of subordinate
lodges.

(3231.) SEC. 6. Any five or more persons, resident of this State, being members of a subordinate lodge of the "Independent Order of Odd Fellows," having been duly chartered by the grand lodge, desirous to become incorporated, may make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk, in a book to be kept in his office for that purpose; and thereupon

Body corporate.

the persons who shall have signed said articles of association, their associates, and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be

Powers of.

persons in the law, capable to purchase, hold, enjoy, grant, sell, give, lease, and demise real and personal estate; of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation: *Pro-*

Limitation.

vided, Said corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate, and the proceeds thereof, under the rules and regulations of the grand lodge, and may elect or appoint from among its members such officers, under such name and style, as shall be in accordance with its constitution.

Erection of halls,
etc.

(3232.) SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, buildings, or hall as to such corporation shall seem proper, with convenient rooms for the meetings of the fraternity of Odd Fellows; and for that purpose may create a capital stock of not more than fifty thousand dollars, to be divided into shares of not more than twenty-five dollars each;

Cemeteries.

and any such corporation may take, purchase, hold, and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

Incorporation of
grand encamp-
ments.

(3233.) SEC. 8. Any grand encampment of the "Independent Order of Odd Fellows" of the State of Michigan, and any subordinate encampment thereof, having been duly chartered, may be incorporated in like manner as grand and subordinate lodges of the "Independent Order of Odd Fellows," and enjoy the same powers and privileges and benefits, under the provisions of this act.

(3234.) SEC. 9. All corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter or amend this act at any time.

Corporations
subject to pro-
visions of for-
mer act.

(3235.) SEC. 10. The location of the business offices of the grand lodge and grand encampment of the "Independent Order of Odd Fellows," or either of them, may be changed at any time, upon filing a written notice of such change in the office of the Secretary of State, within twenty days from the time of the change of such location.¹

Notice of change
of office; where
filed.

An Act supplementary to an act entitled "An Act to provide for the incorporation of lodges and encampments of the Independent Order of Odd Fellows," approved March fifteenth, eighteen hundred and sixty-five, and to add one new section thereto.

[Approved March 22, 1869. Laws of 1869, p. 96.]

(3236.) SECTION 1. *The People of the State of Michigan enact,* That any lodge or encampment of the "Independent order of Odd Fellows, incorporated under the act to which this act is supplementary, may receive, purchase, and hold in its corporate capacity real and personal estate, and the same, or any part thereof, demise, convey, mortgage, use, and dispose of at pleasure, to the amount of two hundred thousand dollars; and may subscribe to the stock of any incorporated company, for the purpose of erecting a suitable edifice, building, or hall, with convenient rooms for the meetings and use of the fraternity of Odd Fellows.

May hold real,
etc., estate.

Amount limited.

Erection of hall.

SEC. 2.²

SEC. 3. This act shall take immediate effect.

¹ As added by Act 47 of the Laws of 1869, p. 96, approved and took effect March 22, 1869.

² Adding section to act to which this is supplementary.

CHAPTER CXX.

INDEPENDENT ORDER OF GOOD TEMPLARS.

An Act to provide for the incorporation of lodges of the "Independent Order of Good Templars."

[Approved February 7, 1867. Laws of 1867, p. 6.]

Incorporation
authorized.

(3237.) SECTION 1. *The People of the State of Michigan enact,* That the grand and subordinate lodges of the "Independent Order of Good Templars" of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Articles of asso-
ciation.

(3238.) SEC. 2. Any five or more persons, residents of this State, being members of any grand lodge of the "Independent Order of Good Templars" of the State of Michigan, desirous to become incorporated, may, with the consent of such lodge, make and execute articles of association, under their hands and seal, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds, and shall set forth—

Contents of.

First. The names of persons associating in the first instance, and their places of residence;

Second. The corporate name by which such association shall be known in the law, and the place of its business office;

Third. The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the "Independent Order of Good Templars," and the period for which it is incorporated, not exceeding thirty years.

Articles, where
filed.

(3239.) SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said grand lodge.

shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates, and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, take, receive, hold, and enjoy, to them and their successors, estates, real and personal, of suing and being sued, and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided*, That the value of such real and personal estate shall not exceed the sum of one hundred thousand dollars, and that they may, and their successors shall, have authority and power to give, grant, sell, lease, mortgage, and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents, and incomes shall be devoted exclusively to the humane and benevolent purposes of the "Independent Order of Good Templars." Said corporation shall have full power and authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation, according to the laws of this State and the United States, and to designate, elect, or appoint from its members, such officers, under such name and style, as shall be in accordance with the constitution of the grand lodge.

(3240.) SEC. 4. A copy of the record of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State, of the existence and due incorporation of such corporation.

(3241.) SEC. 5. Such corporation, when duly formed, shall have power to institute and charter subordinate lodges within this State, and from time to time to make, ordain, constitute, and establish such constitution, general laws and by-laws, ordinances and regulations as the grand lodge shall judge proper for the regulation and government of such subordinate lodges, not repugnant to the laws of this State: *Provided*, That the existing subordinate lodges heretofore duly chartered by the grand lodge, shall be subject to the control of the grand lodge under this act, as heretofore, and in the same manner and to the same extent, as those that may be hereafter instituted and chartered under this act: *Provided further*, That in case the incorporators, or persons associating in the first instance, shall by death, resignation, or for other causes, under the rules of the grand lodge, become ineligible to act in such capacity,

their successors may, from time to time, be appointed by the grand lodge.

Incorporation of
subordinate
lodges.

(3242.) SEC. 6. Any five or more persons, resident of this State, being members of a subordinate lodge of the "Independent Order of Good Templars," having been duly chartered by the grand lodge, desirous to become incorporated, may, with the consent of such lodge, make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, hold, enjoy, grant, sell, give, lease, and mortgage real and personal estate; of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts of this State, of the existence and due incorporation of such corporation: *Provided*, That said corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate, and the proceeds thereof, under the rules and regulations of the grand lodge, and may elect or appoint from among its members such officers, under such name and style as shall be in accordance with its constitution.

Articles, where
filed.

Body corporate.

Powers of.

Limitation.

Corporation may
erect buildings,
etc.

Capital stock.

Cemetery.

Incorporation of
grand lodges.

(3243.) SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, buildings, or hall as to such corporation shall seem proper, with convenient rooms for the meetings of the fraternity of Good Templars, and for that purpose may create capital stock of not more than fifty thousand dollars, to be divided into shares of not more than twenty-five dollars each; and any such corporation may take, purchase, hold, and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots and the burial of the dead therein, as to such corporation may seem proper.

(3244.) SEC. 8. Any grand lodge of the "Independent Order of Good Templars" of the State of Michigan, and any subordinate lodge thereof, having been duly chartered, may be incorporated

in like manner as grand and subordinate lodges of the "Independent Order of Good Templars," and enjoy the same powers and privileges and benefits under the provisions of this act.

(3245.) SEC. 9. All corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter or amend this act at any time. Subject to provisions of former act.

CHAPTER CXXI.

ST. GEORGE'S SOCIETIES.

An Act to provide for the incorporation of St. George's Societies.

[Approved April 15, 1871. *Laws of 1871, p. 209.*]

(3246.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons of English birth, who may now or hereafter be residents of this State, or the descendants of such persons in the first or second degree, may be incorporated in pursuance of the provision of this act.

(3247.) SEC. 2. Any ten or more persons, residents of this State, being of English birth, or their descendants as aforesaid, desiring to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth—

First. The names of persons associating, and their place of residence;

Second. The location of the association of which they are members;

Third. The corporate name by which such association shall be

Proviso. known in the law: *Provided*, That each association incorporated under this act shall be known as "The St. George Society" of (the name of the city or township where such association is located; and if more than one such association is located in the same city or township, the same shall be designated by number);

Fourth. The object and purpose of such association, which shall be to provide for the relief of distressed members and their families (provided such distress is not occasioned by drunkenness or crime), the visitation of the sick, the burial of the dead, and to aid and assist the widows and orphans of deceased members, and, in the discretion of the society, to relieve and advise distressed immigrants and others from that part of Great Britain south of the Tweed, and the isles adjacent thereto, and their sons and grandsons. The period for which such association shall be incorporated shall not exceed thirty years.

Articles filed and recorded. (3248.) SEC. 3. A copy of said articles of association shall be filed with county clerk of the county in which such corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable of suing and being sued, and they and their successors may have a common seal, and the same may change and alter at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State, of the existence and due incorporation of such corporation.

May hold estates (3249.) SEC. 4. Every corporation formed in pursuance of this act shall be capable, in its corporate name, of purchasing, taking, receiving, holding, and enjoying to itself estates both real and personal: *Provided*, That the value of such real and personal estate shall not exceed the sum of one hundred thousand dollars, and that they and their successors shall have full authority and power to give, grant, sell, mortgage, lease, devise, and dispose of said real and personal estate, or part thereof, and other estates, real and personal, may acquire instead thereof, at their will and pleasure; and the proceeds shall be devoted exclusively to charitable and benevolent purposes, set forth in section two.

Proviso.

(3250.) SEC. 5. Said corporations shall have full power and By-laws. authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporations, not contrary to the laws of this State and the United States, and to designate, elect, or appoint, from among their num- Officers. ber such officers, under such names and style, as shall be in accordance with the constitution or charter of said society, who shall have the supervision, control, and management of the affairs of said corporations.

(3251.) SEC. 6. Any corporations formed in pursuance of this act Erection of may erect and own such suitable edifices, buildings or halls as such halls, and capital corporation shall deem necessary, with convenient rooms for the stock. meeting of said society, and for that purpose may create a capital stock of not more than sixty thousand dollars, to be divided into shares of not more than twenty-five dollars each.

(3252.) SEC. 7. All corporations formed under the provisions of Subject to pro- this act shall be subject to the provisions of chapter seventy-three visions of chap- (73) of the Compiled Laws of this State, so far as the same may be ter 73, Compiled applicable to corporations formed under this act; and the Legisla- Laws. ture may alter or amend this act at any time.

SEC. 8. This act shall take immediate effect.

CHAPTER CXXII.

POCAHONTAS TRIBES OF IMPROVED ORDER OF RED MEN.

An Act to provide for the incorporation of societies of Pocahontas Tribes of Improved Order of Red Men.

[Approved April 3, 1869. *Laws of 1869, p. 169.*]

(3253.) SECTION 1. *The People of the State of Michigan enact,* Number of That any five or more persons, residents of this State, being mem- corporators re- bers of a society of the Pocahontas Tribes of Improved Order quired to exe- cute articles.

Articles to be acknowledged.	of Red Men, having been duly chartered by the superior lodge of the Pocahontas Tribes of Improved Order of Red Men, desirous to become incorporated, may make and execute articles of association, under their hands and seal, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds and shall set forth—
Contents.	<i>First.</i> The names of persons associating in the first instance, and their places of residence ;
Name, etc.	<i>Second.</i> The corporate name by which such association shall be known in the law, and the place of its business office ;
Objects, etc.	<i>Third.</i> The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the "Societies of Pocahontas Tribes of Improved Order of Red Men," and the period for which it is incorporated, not exceeding thirty years.
Where filed and recorded.	(3254.) SEC. 2. A copy of said articles of association, together with a copy of the charter and constitution of said Society of Pocahontas Tribes of Improved Order of Red Men, shall be filed with the county clerk in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose ; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold, enjoy, grant, sell, give, lease, and demise real and personal estate, of suing and being sued, and may have a common seal, and change and alter the same at pleasure ; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as <i>prima facie</i> evidence in all courts of this State, of the existence and due incorporation of such corporation: <i>Provided</i> , That the value of such real and personal estate shall not exceed the sum of five thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents, and incomes shall be devoted exclusively to charitable and benevolent purposes of the societies of Pocahontas Tribes of Improved Order of Red Men.
Body politic.	
May have a seal.	
Effect of certified copy of record.	
Proviso.	
Erection of edifices, etc.	(3255.) SEC. 3. Any corporation formed in pursuance of this act may erect and own such suitable edifice, buildings, or hall, as to such corporation shall seem proper, with convenient rooms for

the meetings of the fraternity of Pocahontas Tribes of Improved Order of Red Men; and for that purpose may create a capital stock of not more than five thousand dollars, to be divided into shares of not more than ten dollars each; and any such corporation may take, purchase, hold, and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

Capital stock limited.

May own ground for cemetery.

(3256.) SEC. 4. All corporations formed under this act shall be subject to the provisions of chapter seventy-three, of the Compiled Laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Subject to former law.

SEC. 5. This act shall take immediate effect.

CHAPTER CXXIII.

SOCIETIES OF MARKSMEN.

An Act for the incorporation of societies of marksmen.

[Approved March 30, 1869. Laws of 1869, p. 190.]

(3257.) SECTION 1. *The People of the State of Michigan enact*, That corporations may be organized under the provisions of this act, for the improvement and perfection of marksmen, subject to the provisions hereinafter set forth.

Incorporation authorized.

(3258.) SEC. 2. That any five or more persons who may desire to become incorporated for the purpose set forth in section one, may execute under their hands, and acknowledge before some person within this State authorized to take the acknowledgment of deeds,

Number of corporators.

Articles of agreement, where filed and recorded.	one or more duplicate articles of agreement as hereinafter specified; one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county in this State in which the office of said association, for the transaction of business, may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purposes set forth in such articles.
Body politic and corporate.	
Articles shall contain.	(3259.) SEC. 3. The articles of such association shall contain : <i>First.</i> The names of the persons associating in the first instance, and their places of residence ; <i>Second.</i> The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years ; <i>Third.</i> The object for which it is organized ; <i>Fourth.</i> The number of directors and regular officers, and the time and place for holding its annual meeting ; <i>Fifth.</i> The terms and conditions of membership therein.
Directors.	(3260.) SEC. 4. The affairs of said corporation shall be managed
Terms of office.	by not less than five, or more than twenty directors, to be chosen for such period and in such manner as the by-laws of such corporation shall provide, and who shall hold their offices until their successors are chosen and qualified. The officers may be chosen, and the by-laws of such corporation adopted and changed, by the directors, as the articles or by-laws may prescribe; a majority of the directors shall be a quorum to transact business; all of such directors shall be residents of the State of Michigan.
Powers of.	
Quorum of.	
Residence.	
Real estate.	(3261.) SEC. 5. No such corporation shall have power to take or hold any real estate, except such as may be necessary for the transaction of its business;
Funds received, how used.	(3262.) SEC. 6. All the funds received by such corporation shall be used in the first instance, or shall be invested, and the income thereof used after paying necessary expenses, for the exclusive purpose set forth in the articles of association, and no portion thereof shall be used for any such purpose, except within the State; and no portion of the funds of any such incorporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by said corporation. Such corporation may take by gift, purchase, or devise, property (exclusive of that actually used and necessary for the transaction of its business), to
Limit to amount of property corporation may take, etc.	

an amount not exceeding fifty thousand dollars, and it shall be lawful to invest the same upon mortgage, or in or by loan on railroad stocks, or bonds, or any city, county, or government securities, or deposit it at some bank, or with any broker in the State:

Provided, That any such corporation may, in its articles of agreement, specify the kind of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in the articles of agreement then such funds shall only be invested in such securities as are specified in this act. Proviso.

(3263.) SEC. 7. No two such associations, incorporated under this act, shall transact business under the same name. Not to duplicate name.

(3264.) SEC. 8. Every association organized under the provisions of this act, shall pay to the State Treasurer, on or before the second Monday of January, in each year, during its corporate existence, one per cent upon its capital actually invested, deducting the real estate held by such association, which amount shall be in lieu of all other taxes or assessments. All real estate owned by such association, may be taxed as other real estate in the city, village, or township where the same may be situated. Tax upon invested capital.
Tax upon real estate.

CHAPTER CXXIV.

GYMNASTIC ASSOCIATIONS.

An Act to authorize the formation of gymnastic associations.

[Approved March 15, 1861. Laws of 1861, p. 446.]

(3265.) SECTION 1. *The People of the State of Michigan enact*, Articles of association.
That any ten or more persons, inhabitants of this State, who shall desire to form a gymnastic association in any village, town, or city

- of this State, may make, sign, and acknowledge duplicate articles of association, before any officer authorized to take acknowledgments of deeds in this State, and file the same in the office of the Secretary of State, and in the office of the clerk of the county in which the business of the association is to be conducted, in which articles shall be stated the name by which such association shall be known in law, the particular business and objects of such association, the place in which such association shall conduct its business and have its gymnasium, the number of directors or managers who shall manage the same, and the names of such directors or managers, and of the officers of such association, who shall serve until the election of such directors, or managers and officers, hereafter provided for.
- To be filed.**
- Contents of articles.**
- Body corporate.** (3266.) SEC. 2. Upon filing such articles of association, as aforesaid, the persons who shall have signed the same, their associates and successors, shall thereupon and by virtue of this act become a body politic and corporate, by the name stated in such articles:
- Provide.** *Provided*, No two associations shall assume the same name; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have and use a common seal, and the same may alter and change at pleasure; and they and their successors, by their corporate name, shall in law and equity be capable of taking and receiving real and personal estate, either by purchase, gift, grant, devise, lease, or bargain and sale, devise and bequest, for the purpose of their incorporation, but for no other purpose, and the same at pleasure grant, bargain, mortgage, sell or lease for the use of said association; but said association shall have power to use any surplus income for the purchase and maintenance of a library, or for any other purpose for intellectual improvement.
- Common seal.**
- Powers of corporation.**
- Powers to make by-laws, etc.** (3267.) SEC. 3. The said association shall have full power, from time to time, to make all such needful rules, regulations, and by-laws as may be deemed expedient regarding the admission and expulsion of members, their initiation or other fees and assessments, and all such other matters as may be deemed proper or requisite for the government of such association, and to carry into effect the objects thereof: *Provided*, The same be not inconsistent with the laws and constitution of this State.
- Provide.**
- Officers.** (3268.) SEC. 4. The officers of the said association shall consist of a president, vice-president, secretary, and treasurer, to be elected by ballot on the last Monday of October (or the first Tuesday in April) in each and every year, who shall hold their offices for the

term of one year from the first day of November next succeeding their election, in case they are elected on the last Monday of October; but in case they are elected on the first Tuesday in April, they shall hold their offices for the term of one year from the date of such election, or until their successors are elected; and in case of a vacancy occurring, the board of managers, hereafter provided for, shall notify the members of the association in such a way as the association may provide by by-law, and appoint a time and place to fill the same, at which time the association may fill such vacancy. The duties of the aforesaid officers shall be such as the association shall provide by its rules, regulations, or by-laws, and they, or either of them, shall give such security for the faithful performance of their duties as may be required of them under the regulations and by-laws of the association. The association may provide for the election of two persons, who shall act as inspectors of elections at all elections for officers, whose terms of office shall be the same as the other officers of said association.¹

(3269.) SEC. 5. There shall be a board of managers, consisting of not less than seven members, including the president, vice-president, secretary, and treasurer, who shall be members of said board during their terms of office, elected by ballot by said association at the same time that the other officers are elected, and who shall hold their office from and during the same time as the other officers; said board, of which a majority thereof shall constitute a quorum, shall manage the property and concerns of said association as will best promote the objects thereof, and in such way as may be deemed by them necessary for the proper management of said association; they shall have charge of the gymnasium, other property and finances of the association, and transact all business appertaining to the same.¹

(3270.) SEC. 6. The articles of association, filed as required by this act, or a copy thereof, certified by the officer with whom they are so filed, may be given in evidence in any court in this State, for or against said association; said association shall have all the powers and privileges, and be subject to the duties of a corporation, according to the provisions of chapter fifty-five, title ten, of the Revised Statutes of eighteen hundred and forty-six, so far as the same may be applicable to associations formed under this act.

SEC. 7. This act shall take effect immediately.

¹ As amended by Act 188 of the Laws of 1871, p. 208, approved and took effect April 15, 1871.

CHAPTER CXXV.

SKATING PARKS OR RINKS, AND PARKS KEPT FOR
ORNAMENT, RECREATION, OR AMUSEMENT.

An Act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks or rinks, and parks kept for ornament, recreation, or amusement.¹

[Approved April 5, 1869. Laws of 1869, p. 299.]

Corporation;
how formed.

(3271.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than five, desiring to form a corporation for the purpose of constructing, owning, and maintaining any skating park or rink, or any park or piece of ground enclosed and kept for ornament and recreation or amusement, in any city, village, or township of this State, may, by articles of agreement, in writing, under their hands and seals, associate for that purpose, under a name to be assumed by them in their articles of association: *Provided,* That no two shall assume the same name: *And provided further,* That any association or company of individuals, now owning property for the purpose aforesaid, may be incorporated under and by complying with the provisions of this act.¹

Proviso.

Further proviso.

Articles; con-
tents of.

(3272.) SEC. 2. Such articles of association shall be signed by the persons associating in the first instance, and be duly acknowledged before some officer of this State authorized by the laws of this State to take acknowledgment of deeds, and shall set forth :

¹ As amended by Act 16 of the Laws of 1871, p. 19, approved and took effect February 21, 1871.

First. The name by which the corporation shall be known in the law ;

Second. Definitely and distinctly the purposes for which the corporation is formed ;

Third. The amount of their capital stock, and the number of the shares thereof ;

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each ;

Fifth. The city, village, or township in which the office for the transaction of their business shall be located, and where their business is to be carried on : *Provided*, That such office shall be located within the county where such business is carried on ;

Sixth. The term of the existence of such corporation, which shall not exceed thirty years ;

Seventh. The number of the directors of the corporation, and the names of those who shall be directors for the first year ;

Eighth. The names of its president, secretary, and treasurer, and their respective places of residence.

(3273.) SEC. 3. The articles of such association shall be filed in the office of the Secretary of State, and a duplicate of said articles shall be filed and recorded at length, in the office of the county clerk in the county where such association is located ; and thereupon all persons who shall have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate, by the name specified in such articles, and by such name they and their successors shall have succession, and in their corporate name be capable in law of owning, holding, or purchasing and disposing of, in any manner, any real or personal property or estate whatsoever, not exceeding in value ten thousand dollars, and they shall be capable and liable of suing and being sued in all courts of law and equity in this State, and may have a common seal, and may alter and change the same at pleasure.

Filing, etc., of articles.

When shall be body politic and corporate.

(3274.) SEC. 4. A copy of any articles of association, filed and duly recorded in any county clerk's office in pursuance of this act, and certified by the county clerk under his hand and seal to be a true copy thereof, and the whole of such articles of association, shall be in all courts and places *prima facie* evidence of the due incorporation of such company, and of the facts therein stated.

Effect of copy of articles.

(3275.) SEC. 5. The amount of the capital stock of every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be more than ten thou-

Amount of capital shall be fixed, etc., by the stockholders, etc.

- sand dollars, and shall be divided into shares of twenty-five dollars each; and such certificates of stock shall be signed by the president and secretary of the company, and sealed with its corporate seal.
- Annual meeting.** (3276.) SEC. 6. Every such corporation shall hold their annual meeting of stockholders on the first Monday of February of each year. Twenty days' notice of the time and place shall be given as
- Notice of.** hereinafter provided: *Provided*, That if for any reason it is not
- Proviso.** held thereon, the corporation for that reason shall not be dissolved, but it may be held pursuant to public notice given by the directors within thirty days thereafter, or by a majority of said directors; said notice to be given at least fifteen days before such meeting, to be published in a daily paper published in the county where their principal office is located, if there is any printed therein: *Provided*,
- Ibid.** That if notice is given personally or by mail to each stockholder, addressed to him at his place of residence, as the same appears by the books of the company, no publication shall be necessary.
- Board of directors shall make annual report to stockholders.** (3277.) SEC. 7. At each annual meeting such corporation shall make a report to the stockholders, signed by a majority of the board of directors, verified by the oath of the president and secretary of said corporation, containing—
- Contents.** *First.* The amount of capital actually paid in ;
- Second.* The amount invested in real estate, with a general description of the same ;
- Third.* The amount of personal estate, with a general description thereof ;
- Fourth.* The amount of their debts and credits, as near as may be ;
- Fifth.* A general condensed statement of their business and financial condition ;
- Sixth.* The name of each stockholder and his residence, and the number of shares held by him, as appears by the books of said corporation at the date of such report ; and if any person shall knowingly swear or affirm falsely in said report, he shall be deemed guilty of perjury, and punished accordingly.
- Call for first meeting.** (3278.) SEC. 8. When any corporation shall be formed under the provisions of this act, any four of those associated may call the first meeting of such corporators, at such time and place as they may appoint, giving notice as is provided in section six of this act.
- Directors; powers of.** (3279.) SEC. 9. The stock, property, and affairs of such corporation shall be managed by a board of directors, to consist of not less than five nor more than seven, as their articles of association shall
- Election of.** determine, who shall be stockholders of the company, who shall be

elected annually, and shall hold their office for one year and until their successors shall be elected. The election shall be made pursuant to notice as hereinbefore provided, by such of the stockholders as shall attend for that purpose, either in person or by proxy. In all elections, each stockholder shall be entitled to cast one vote for each and every share he shall own of the stock of such company, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term by the remaining directors; and no person shall be a director unless he shall be a stockholder in said company; and no stockholder shall vote at any election, who has not paid all assessments then due on stock held by him: *Provided*, That if any director shall cease to own any of the stock of said corporation he shall cease to be a director.

Term of office.

Notice of election.

How stock represented in voting.

Vacancies; how filled.

Directors shall be stockholders. Stockholders who have not paid assessments shall not vote. *Provido*.

(3280.) SEC. 10. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Power of majority of board.

(3281.) SEC. 11. The directors shall choose from their number, by ballot or otherwise, as they shall direct by their by-laws, a president, secretary, and treasurer, who shall have power to appoint or employ such other subordinate officers, agents, or employees as the by-laws of the corporation shall designate, or such as shall be necessary to the proper accomplishment of the purpose of the corporation; and such board of directors shall have power to remove such president, or other officer of such corporation, or agents, or employees, for cause, and appoint others in their places. Such officers shall be elected annually, and shall hold their office for one year and until their successors shall be elected.

President, secretary, and treasurer, etc., how chosen.

Removals from office, etc.

Terms of office.

(3282.) SEC. 12. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of the State or of the United States, as they shall deem proper for the management and disposition of the property, affairs, and concerns of the said corporation, for prescribing the powers and duties of the officers and employees of said company, and may alter and amend the same at their will and pleasure.

By-laws.

(3283.) SEC. 13. It shall be the duty of the directors of any such corporation to cause proper books to be kept by the secretary or treasurer, containing the names of all persons who are, or shall within six years become, subscribers to the capital stock of said corporation, and wherein shall be entered all matters and things pertaining to the affairs and business of said corporation, and just

Directors shall cause books to be kept by secretary or treasurer, containing, etc.

Proviso.	and true books of account; and the books of said corporation, containing their business and accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders: <i>And provided</i> , That no transfer of the certificate of the stock of such corporation shall be valid, without the name being duly entered, of the person to whom transferred, on the books of the corporation.
Stock deemed personal property.	(3284.) SEC. 14. The stock of every such corporation shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of the corporation. The directors of any
Subscriptions may be received by directors until whole is subscribed.	such company may, from time to time, receive subscriptions to stock in said company, until the whole amount of the stock of the association shall be subscribed; but no certificate of shares in
When certificate may be issued.	any such company shall be issued until the whole amount of the shares mentioned in such certificate shall have been paid in full to the company.
Payment of subscriptions.	(3285.) SEC. 15. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner, and in such installments, as they may deem proper. If any stockholder shall neglect or
On neglect to pay installment, directors may sue for, or declare stock forfeited.	refuse to pay any installment, as required by a resolution of the board of directors, the said board shall be authorized to sue for the same in the name of the corporation, or declare his stock and all previous payments thereon forfeited for the use of the company:
Notice to be first given.	but they shall not declare it so forfeited, until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the postoffice, properly directed to him at the postoffice nearest his place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, that his stock and all previous payments thereon will be forfeited for the use of the company, which notice shall be served, as aforesaid, at least thirty days previous to the day on which such payment is required to be made.
Liability of stockholders for all labor etc., for corporation.	(3286.) SEC. 16. The stockholders of all corporations formed under this act shall be jointly, severally, and individually liable for all labor and services performed for such corporation, which said liability, founded on this statute, may be enforced by a suit at law. in an action of assumpsit, at any time after an execution in favor of the plaintiff shall be duly returned unsatisfied in whole or in part, against said corporation: <i>Provided always</i> , That if any or several of said stockholders shall, by any such proceedings, be compelled to pay any such sum to creditors, he or they may recover
Proviso.	

the same in full of the corporation, or may compel the stockholders, jointly or severally, or any number of them, to contribute ratably to reimburse him or them, in an action at law, or in chancery.

(3287.) [SEC. 17. All corporations formed under the provisions of this act shall annually, in the month of March, make a report which shall state the amount of capital stock actually paid in, and the amount of money borrowed, if any; which report shall be signed by a majority of the directors, and verified by the oath of the president or secretary, and be filed in the office of the clerk of the county where its articles are filed.] Annual reports; contents of.

(3288.) SEC. 18. Service of any summons, declaration, notice, or other process or paper, upon any incorporation formed under this act, may be made on the president, secretary, or treasurer, if either are to be found within the county where their articles are filed. If neither of them can be found therein, then such service may be made by posting a true and certified copy thereof in some conspicuous place at the general office of said corporation. Service of summons, etc.; on whom may be made.

(3289.) SEC. 19. Corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as the same may be applicable, and except as herein otherwise provided. Subject to former law.

SEC. 20. This act shall take immediate effect.

CHAPTER CXXVI.

THE DETECTION AND APPREHENSION OF HORSE-THIEVES AND OTHER FELONS.

An Act to authorize the formation of companies for the detection and apprehension of horse-thieves and other felons, and defining their powers.

[Approved February 15, 1859. Laws of 1859, p. 765.]

Companies.

(3290.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, citizens of said State, not less than ten nor more than one hundred, may and are hereby authorized to form themselves into a company for the purpose of detecting and apprehending horse-thieves and other felons, as hereinafter provided.

Articles of association

(3291.) SEC. 2. Persons desirous of forming such company shall each subscribe articles of association, in which shall be set forth the name said company may choose, the residence of each member, the number of members, and the length of time for which said company has been formed, which shall not exceed ten years. But such articles of association shall first be laid before the county clerk of the county in which it is proposed to organize such company, as well as the by-laws governing the same, for his approval, in which case said company shall be organized, and not otherwise:

Provided,

Provided nevertheless, The said clerk shall have the right to strike the name of any member from such association, if he deem the public good require it; and it shall be the duty of the secretary or clerk of such association to report, under oath, the name of each and every member of such association, and their respective places of residence, whenever the county clerk shall demand it, under the

penalty of forfeiting their corporate privileges and powers. Said articles of association shall be filed and recorded in the office of the recorder of the county in which the majority of the members of said company may reside; and a certified copy of said record shall be received as evidence in any court of the State of the existence of such company, and of membership of any person belonging thereto. Articles filed and recorded.

(3292.) SEC. 3. Whenever said articles of association shall be filed as above provided, the said company, under the name and style which they may designate, shall be a body politic and corporate, and by such name may sue and be sued, plead and be impleaded, unto any court of competent jurisdiction in this State, and shall have succession during any time not exceeding ten years, as provided in the second section of this act; may have and use a common seal, and attach [alter] the same at pleasure. Incorporation.

(3293.) SEC. 4. Said corporation may elect or appoint all such officers as they may deem necessary for their organization, who shall severally hold their offices, and perform the duties that may be required of them by such company. Said officers shall serve either for or without compensation, as said company may direct. Officers.

(3294.) SEC. 5. A majority of said company shall have power to adopt a constitution and by-laws for their government, and enforce obedience to the same; which constitution and by-laws shall be consistent with the Constitution of this State and of the United States. Constitution and by-laws.

(3295.) SEC. 6. Such number of members shall form a quorum to transact business and sit upon their own adjournments, or call meetings, under such regulations as said company may adopt. Quorum.

(3296.) SEC. 7. Said company may add to their numbers, or expel members, under such regulations as they may prescribe; and whenever a new member has been admitted, or a member expelled, such fact shall be certified by the proper officer, and recorded with the original articles of association. Admissions and expulsions.

(3297.) SEC. 8. Such company may receive donations in money or other property, to be applied to the objects of the organization, and assess taxes or impose fines for the same purpose. Donations.

(3298.) SEC. 9. Such company shall have power to call to their aid the peace officers of this State, in accordance with law, in the pursuit and apprehension of felons and reclaiming State property; and each and every one of the members of such company, when engaged in arresting offenders against the criminal laws Apprehension of criminals.

- sand dollars, and shall be divided into shares of twenty-five dollars each; and such certificates of stock shall be signed by the president and secretary of the company, and sealed with its corporate seal.
- Annual meeting. (3276.) SEC. 6. Every such corporation shall hold their annual meeting of stockholders on the first Monday of February of each year. Twenty days' notice of the time and place shall be given as
- Notice of. hereinafter provided: *Provided*, That if for any reason it is not
- Proviso. held thereon, the corporation for that reason shall not be dissolved, but it may be held pursuant to public notice given by the directors within thirty days thereafter, or by a majority of said directors; said notice to be given at least fifteen days before such meeting, to be published in a daily paper published in the county where their principal office is located, if there is any printed therein: *Provided*,
- Ibid. That if notice is given personally or by mail to each stockholder, addressed to him at his place of residence, as the same appears by the books of the company, no publication shall be necessary.
- Board of directors shall make annual report to stockholders. (3277.) SEC. 7. At each annual meeting such corporation shall make a report to the stockholders, signed by a majority of the board of directors, verified by the oath of the president and secretary of said corporation, containing—
- Contents. *First*. The amount of capital actually paid in ;
- Second*. The amount invested in real estate, with a general description of the same ;
- Third*. The amount of personal estate, with a general description thereof ;
- Fourth*. The amount of their debts and credits, as near as may be ;
- Fifth*. A general condensed statement of their business and financial condition ;
- Sixth*. The name of each stockholder and his residence, and the number of shares held by him, as appears by the books of said corporation at the date of such report; and if any person shall knowingly swear or affirm falsely in said report, he shall be deemed guilty of perjury, and punished accordingly.
- Call for first meeting. (3278.) SEC. 8. When any corporation shall be formed under the provisions of this act, any four of those associated may call the first meeting of such corporators, at such time and place as they may appoint, giving notice as is provided in section six of this act.
- Directors; powers of. (3279.) SEC. 9. The stock, property, and affairs of such corporation shall be managed by a board of directors, to consist of not less than five nor more than seven, as their articles of association shall determine, who shall be stockholders of the company, who shall be
- Election of.

elected annually, and shall hold their office for one year and until their successors shall be elected. The election shall be made pursuant to notice as hereinbefore provided, by such of the stockholders as shall attend for that purpose, either in person or by proxy. In all elections, each stockholder shall be entitled to cast one vote for each and every share he shall own of the stock of such company, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term by the remaining directors; and no person shall be a director unless he shall be a stockholder in said company; and no stockholder shall vote at any election, who has not paid all assessments then due on stock held by him: *Provided*, That if any director shall cease to own any of the stock of said corporation he shall cease to be a director.

Term of office.

Notice of election.

How stock represented in voting.

Vacancies; how filled.

Directors shall be stockholders. Stockholders who have not paid assessments shall not vote. *Proviso.*

(3280.) SEC. 10. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Power of majority of board.

(3281.) SEC. 11. The directors shall choose from their number, by ballot or otherwise, as they shall direct by their by-laws, a president, secretary, and treasurer, who shall have power to appoint or employ such other subordinate officers, agents, or employees as the by-laws of the corporation shall designate, or such as shall be necessary to the proper accomplishment of the purpose of the corporation; and such board of directors shall have power to remove such president, or other officer of such corporation, or agents, or employees, for cause, and appoint others in their places. Such officers shall be elected annually, and shall hold their office for one year and until their successors shall be elected.

President, secretary, and treasurer, etc., how chosen.

Removals from office, etc.

Terms of office.

(3282.) SEC. 12. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of the State or of the United States, as they shall deem proper for the management and disposition of the property, affairs, and concerns of the said corporation, for prescribing the powers and duties of the officers and employees of said company, and may alter and amend the same at their will and pleasure.

By-laws.

(3283.) SEC. 13. It shall be the duty of the directors of any such corporation to cause proper books to be kept by the secretary or treasurer, containing the names of all persons who are, or shall within six years become, subscribers to the capital stock of said corporation, and wherein shall be entered all matters and things pertaining to the affairs and business of said corporation, and just

Directors shall cause books to be kept by secretary or treasurer, containing, etc.

	and true books of account; and the books of said corporation, containing their business and accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders: <i>And provided</i> , That no transfer of the certificate of the stock of such corporation shall be valid, without the name being duly entered, of the person to whom transferred, on the books of the corporation.
Proviso.	
Stock deemed personal property.	(3284.) SEC. 14. The stock of every such corporation shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of the corporation. The directors of any
Subscriptions may be received by directors until whole is subscribed.	such company may, from time to time, receive subscriptions to stock in said company, until the whole amount of the stock of the association shall be subscribed; but no certificate of shares in
When certificate may be issued.	any such company shall be issued until the whole amount of the shares mentioned in such certificate shall have been paid in full to the company.
Payment of subscriptions.	(3285.) SEC. 15. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner, and in such installments, as they may deem proper. If any stockholder shall neglect or
On neglect to pay installment, directors may sue for, or declare stock forfeited.	refuse to pay any installment, as required by a resolution of the board of directors, the said board shall be authorized to sue for the same in the name of the corporation, or declare his stock and all previous payments thereon forfeited for the use of the company;
Notice to be first given.	but they shall not declare it so forfeited, until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the postoffice, properly directed to him at the postoffice nearest his place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, that his stock, and all previous payments thereon will be forfeited for the use of the company, which notice shall be served, as aforesaid, at least thirty days previous to the day on which such payment is required to be made.
Liability of stockholders for all labor etc., for corporation.	(3286.) SEC. 16. The stockholders of all corporations formed under this act shall be jointly, severally, and individually liable for all labor and services performed for such corporation, which said liability, founded on this statute, may be enforced by a suit at law. in an action of assumpsit, at any time after an execution in favor of the plaintiff shall be duly returned unsatisfied in whole or in
Proviso.	part, against said corporation: <i>Provided always</i> , That if any or several of said stockholders shall, by any such proceedings, be compelled to pay any such sum to creditors, he or they may recover

the same in full of the corporation, or may compel the stockholders, jointly or severally, or any number of them, to contribute ratably to reimburse him or them, in an action at law, or in chancery.

(3287.) [SEC. 17. All corporations formed under the provisions of this act shall annually, in the month of March, make a report which shall state the amount of capital stock actually paid in, and the amount of money borrowed, if any; which report shall be signed by a majority of the directors, and verified by the oath of the president or secretary, and be filed in the office of the clerk of the county where its articles are filed.] Annual reports; contents of.

(3288.) SEC. 18. Service of any summons, declaration, notice, or other process or paper, upon any incorporation formed under this act, may be made on the president, secretary, or treasurer, if either are to be found within the county where their articles are filed. If neither of them can be found therein, then such service may be made by posting a true and certified copy thereof in some conspicuous place at the general office of said corporation. Service of summons, etc.; on whom may be made.

(3289.) SEC. 19. Corporations formed under this act shall be subject to the provisions of chapter seventy-three of the Compiled Laws of this State, so far as the same may be applicable, and except as herein otherwise provided. Subject to former law.

SEC. 20. This act shall take immediate effect.

CHAPTER CXXVI.

THE DETECTION AND APPREHENSION OF HORSE-THIEVES AND OTHER FELONS.

An Act to authorize the formation of companies for the detection and apprehension of horse-thieves and other felons, and defining their powers.

[Approved February 15, 1859. Laws of 1859, p. 765.]

Companies.

(3290.) SECTION 1. *The People of the State of Michigan enact,* That any number of persons, citizens of said State, not less than ten nor more than one hundred, may and are hereby authorized to form themselves into a company for the purpose of detecting and apprehending horse-thieves and other felons, as hereinafter provided.

Articles of association

(3291.) SEC. 2. Persons desirous of forming such company shall each subscribe articles of association, in which shall be set forth the name said company may choose, the residence of each member, the number of members, and the length of time for which said company has been formed, which shall not exceed ten years. But such articles of association shall first be laid before the county clerk of the county in which it is proposed to organize such company, as well as the by-laws governing the same, for his approval, in which case said company shall be organized, and not otherwise:

proviso.

Provided nevertheless, The said clerk shall have the right to strike the name of any member from such association, if he deem the public good require it; and it shall be the duty of the secretary or clerk of such association to report, under oath, the name of each and every member of such association, and their respective places of residence, whenever the county clerk shall demand it, under the

penalty of forfeiting their corporate privileges and powers. Said articles of association shall be filed and recorded in the office of the recorder of the county in which the majority of the members of said company may reside; and a certified copy of said record shall be received as evidence in any court of the State of the existence of such company, and of membership of any person belonging thereto. Articles filed and recorded.

(3292.) SEC. 3. Whenever said articles of association shall be filed as above provided, the said company, under the name and style which they may designate, shall be a body politic and corporate, and by such name may sue and be sued, plead and be impleaded, unto any court of competent jurisdiction in this State, and shall have succession during any time not exceeding ten years, as provided in the second section of this act; may have and use a common seal, and attach [alter] the same at pleasure. Incorporation.

(3293.) SEC. 4. Said corporation may elect or appoint all such officers as they may deem necessary for their organization, who shall severally hold their offices, and perform the duties that may be required of them by such company. Said officers shall serve either for or without compensation, as said company may direct. Officers.

(3294.) SEC. 5. A majority of said company shall have power to adopt a constitution and by-laws for their government, and enforce obedience to the same; which constitution and by-laws shall be consistent with the Constitution of this State and of the United States. Constitution and by-laws.

(3295.) SEC. 6. Such number of members shall form a quorum to transact business and sit upon their own adjournments, or call meetings, under such regulations as said company may adopt. Quorum.

(3296.) SEC. 7. Said company may add to their numbers, or expel members, under such regulations as they may prescribe; and whenever a new member has been admitted, or a member expelled, such fact shall be certified by the proper officer, and recorded with the original articles of association. Admissions and expulsions.

(3297.) SEC. 8. Such company may receive donations in money or other property, to be applied to the objects of the organization, and assess taxes or impose fines for the same purpose. Donations.

(3298.) SEC. 9. Such company shall have power to call to their aid the peace officers of this State, in accordance with law, in the pursuit and apprehension of felons and reclaiming State property; and each and every one of the members of such company, when engaged in arresting offenders against the criminal laws Apprehension of criminals.

of this State, shall be entitled to all the rights and privileges of constables.

SEC. 10. This act shall take immediate effect.

CHAPTER CXXVII.

VILLAGES.

An Act to provide for the incorporation of villages.

[Approved February 17, 1857. Laws of 1857, p. 420.]

Villages with resident population of not less than three hundred, may be incorporated.

(3299.) SECTION 1. *The People of the State of Michigan enact,* That any part of a town or towns not included in any incorporated village, and containing a resident population of not less than three hundred persons, and it shall include within its boundaries a territory of not more than one square mile in extent, containing a resident population of at the rate of not less than three hundred persons to every square mile of territory included within such boundaries, may be incorporated as a village, under the provisions of this act.

Application for such incorporation to board of supervisors.

(3300.) SEC. 2. Any number of legal voters, not less than fifteen, residing within such territory, may make application for the incorporation of such village to the board of supervisors of the county in which such territory, or the larger part thereof, may be situated, at any regular session of such board.

Census to be taken by applicants.

(3301.) SEC. 3. Such persons shall, before making such application, cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than ten weeks previous to the time of presenting such application, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the

number of persons then belonging to such family ; and it shall be verified by the affidavit of the person taking the same, written thereon or annexed thereto.

(3302.) SEC. 4. The persons intending to make such application shall give notice that they will apply to the board of supervisors of the county in which such territory shall lie, or if it shall lie in more than one county, to the board of supervisors of one of such counties, to be named in such notice, on some day therein specified, for an order incorporating such territory as a village ; such notice shall describe the boundaries, or give some other proper description of such territory, and by specifying the town or towns in which it lies.

Notice of application.

(3303.) SEC. 5. If there be a newspaper printed within such territory, such notice shall be printed therein once in each week for four successive weeks previous to the time therein specified for making such application ; and if there shall be no such paper, such notice shall be posted in at least five public places in such territory, at least four weeks before the time so specified therein.

How notice to be published.

(3304.) SEC. 6. Such application shall be by petition, subscribed by the applicants, who shall be residents of such territory, describing such territory, and setting forth the number of persons residing therein, according to such census. Such census, and the affidavit verifying the same, and a copy of the notice herein required, with an affidavit of posting or publishing the same as aforesaid, shall be annexed to such petition ; and it shall be presented at the time specified in such notice, or as soon thereafter as the applicants can be conveniently heard in respect thereto.

How application made, and when presented.

(3305.) SEC. 7. The board of supervisors shall hear all the parties interested therein, who shall appear and ask to be heard ; it may adjourn the hearing from time to time ; it may direct that a new census be taken, and appoint a person or persons to take the same ; and said board may refer any question that may arise in respect to such application to three disinterested commissioners, appointed by such board, who shall examine and report thereon.

Proceedings of board of supervisors.

(3306.) SEC. 8. If such board, after hearing the parties, shall be satisfied that all the requirements of this act, in respect to such application, have been complied with, and that such territory contained the population required by this act, it shall make an order declaring that such territory shall be an incorporated village, by the name specified in such application, or by such other name as to such board shall seem proper ; and such board shall, in such order, appoint three inspectors of elections, to hold the first election

Board to declare territory incorporated.

Inspectors of election.

- required by this act, and such board shall also appoint the time and place of holding such first election; but a neglect to hold such first election on the day so appointed shall not be deemed to work a dissolution of said corporation, but in such case the inspectors so appointed may fix any other time for holding such first election, public notice of the time and place thereof, pursuant to section nine of this act, being first given: *Provided*, That the time so fixed shall be within six months of the time first appointed: *Provided also*, That said board of supervisors shall have power, at any regular or special meeting, upon the petition of the president and trustees of any incorporated village, to alter the boundaries thereof either by increasing or diminishing the same.¹
- Proceedings when election is not held on day appointed.** (3307.) SEC. 9. The inspectors so appointed shall immediately give notice of the time and place of holding such election, and the officers to be elected at such election, by posting up written notices thereof in at least three public places in such territory, at least three weeks previous to the day appointed for holding the same, or by publishing the same in some newspaper printed in such territory for three successive weeks immediately preceding the time aforesaid. At such election the polls shall be opened at ten o'clock in the forenoon, and shall close at four o'clock in the afternoon.
- Change of boundaries.** (3308.) SEC. 10. Such inspectors shall preside and act as inspectors at such meeting; the president and trustees, or any three of them, may preside at every subsequent election; the clerk of said village may be clerk thereof; and all the laws of this State in relation to the election of township officers, canvass of votes, certifying the election of officers, and notifying them of their election, shall apply to such first election and to all subsequent elections of officers in such village, so far as the same may be applicable and not inconsistent with the provisions of this act.
- Notice of first election, how given.** (3309.) SEC. 11. Every elector residing in such territory, and qualified to vote for township officers in the township in which such territory, or some part thereof, may be situate, may vote at all elections in said village.
- Inspectors and officers of election.** (3310.) SEC. 12. The inspectors at such first election, and at all subsequent elections, shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for
- Who qualified electors.**
- Canvass of votes**

¹As amended by Act 189 of the Laws of 1865, p. 247, approved and took effect March 10, 1865.

which he shall have been voted for; which certificate shall be recorded in the records of said village.

(3311.) SEC. 13. No person not an elector shall be eligible to any office under the provisions of this act, and the persons eligible, and having the greatest number of votes at any election herein provided for, shall be declared elected; and if two or more shall have an equal and the greatest number of votes, the officers presiding at such election shall forthwith determine by lot which shall be deemed elected.

Eligibility to office.

Who to be declared elected.

(3312.) SEC. 14. Every person elected at any election under the provisions of this act, and whose name is entered on the poll list as a voter thereat, shall be deemed notified of his election; and every person so elected whose name shall not be so entered, shall be notified of his election within ten days thereafter; and if elected at such first election, such notice shall be given by the inspectors presiding thereat; and if elected at any subsequent election, he shall be notified by the clerk of such village.

Notice to persons elected.

(3313.) SEC. 15. The officers first elected shall hold their offices until the first Tuesday in March following their election, and those subsequently elected (except the clerk) shall hold their respective offices until the first Tuesday of March following their election and until their successors are elected and qualified: *Provided*, That at the first election, three trustees shall be elected for one year, and three trustees shall be elected for two years, and at each subsequent election three trustees shall be elected for two years.¹

Terms of office.

Proviso.

(3314.) SEC. 16. Elections for officers (except at the first election) shall be held on the first Tuesday in March, in each year, at such place as shall be designated by the board of trustees.

Annual elections; when held.

(3315.) SEC. 17. The officers of such village shall be a president and six trustees, one marshal, one treasurer, one clerk, such number of assessors, not exceeding two, such number of street commissioners, not exceeding three, such number of fire-wardens, not exceeding five, as the board of trustees may from time to time direct, and one pound-master. The president and trustees shall have power to grade, pave, make, construct, repair, and otherwise improve the highways, streets, lanes, sidewalks, and crosswalks, and shall have full power and authority to provide for paying the costs and expenses of making, constructing, and repairing such sidewalks and crosswalks by assessment on the owners or occupants of the lots, lands,

Village officers.

Powers in relation to streets; in whom vested.

¹ As amended by Act 57 of the Laws of 1869, p. 108, approved March 24, 1869.

Pavement of streets to be submitted to the people.

and premises in front of which sidewalks may be directed to be made, constructed, or repaired: *Provided*, That no pavement of streets or highways shall be ordered or made until submitted to and approved by a majority of the legal voters of such village, expressed by ballot at a general village election, or a special election called for that purpose; and that all assessments for paving lanes and alleys shall be made upon the premises or lots on both sides [of said] alleys and lanes; and that all assessments for crosswalks shall be made upon the premises in the block adjacent to said crosswalks, from the corner to the center of the front and side of said block.¹

Oath of office.

(3316.) SEC. 18. Every officer elected in such village, shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the Constitution, before any person authorized to administer oaths, and file the same with the clerk of such village.

Vacancies, how filled.

(3317.) SEC. 19. Any vacancy occurring in any of the offices of said village provided by this act, whether by death, removal from office, resignation, or otherwise, shall be filled for the unexpired term thereof by appointment to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner; and when said vacancies shall be so filled, the persons so appointed shall continue in office until their successors shall be elected and qualified; and the several officers of said village, provided by this act, other than the president and trustees, shall at all times be subject to the supervision and control of the president and trustees in the discharge of their official duties, and may be removed from office by a vote of two-thirds of the board, consisting of the president and trustees, for any refusal or neglect to comply with their orders or directions, or any gross neglect in the discharge of their official duties; but such officers shall be entitled to have a specification of the charges against them which are made the ground for removal, and an opportunity to be heard in their defense; and the cause of any such removal shall, in all cases, be made a matter of record by them.²

Removal from offices.

Notice of elections.

(3318.) SEC. 20. It shall be the duty of the clerk of said village to give at least ten days' notice in writing, by posting the same in

¹ As amended by Act 109 of the Laws of 1859, p. 268, approved and took effect February 11, 1859.

² As amended by Act 121 of the Laws of 1863, p. 173, approved and took effect March 17, 1863.

at least three public places in said village, of the time and place of holding all elections.

(3319.) SEC. 21. It shall be the duty of the president to preside at all meetings of the electors and of the board of trustees, but in case of his absence the said trustees may appoint one of their own number as president *pro tem.*; and the clerk shall keep a fair and accurate record of the proceedings, and in the absence of the clerk, the said trustees may appoint some other suitable person to act as clerk *pro tem.*, under the supervision and control of the trustees.¹

Duties of president and clerk.

(3320.) SEC. 22. The president and trustees of such village, when organized as hereinbefore provided, shall be a body corporate and politic, with perpetual succession, to be known by the name designated as aforesaid, and by that name shall be known in law, and shall be capable of suing and being sued, of pleading and being impleaded, in all courts and places, and may have a common seal, and may alter and change the same at pleasure, and may purchase, hold, and convey real and personal estate for the use of such corporation; and a majority of said board of trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.¹

Body corporate.

Common seal.

Quorum.

(3321.) SEC. 23. The president and trustees shall have power to raise, by general tax, levied upon the taxable property liable to be assessed in such village not exceeding one per cent in any one year, for the following purposes:

Powers of president and trustees to raise tax, and for what purposes.

First. For paying the expenses of procuring such village to be incorporated;

Second. For purchasing fire-engines and the necessary apparatus therefor, and implements for hook and ladder companies; but no tax shall be raised for procuring more than one fire-engine, unless the population of such village shall be more than one thousand persons;

Third. For purchasing or leasing the necessary ground, and erecting a suitable engine-house for every fire-engine and its apparatus so procured, or for hiring suitable places for keeping them;

Fourth. For making and maintaining such public wells, cisterns, and other reservoirs of water, and for procuring the necessary fixtures therefor, as may be deemed necessary;

Fifth. For procuring the necessary ground, and erecting a pound for the use of such village, and for keeping the same in repair;

Sixth. For purchasing, fencing, ornamenting, and improving ground for a cemetery or burial-place;

¹ Vide note to section 19 of this act.

Seventh. For laying out, opening, improving, and working the highways, streets, lanes, and alleys in such village;

Eighth. For making and repairing side and cross walks, and improving the public grounds;

Ninth. For incidental expenses.

How taxes as-
sessed and col-
lected.

(3322.) SEC. 24. All taxes raised in such village shall be assessed and collected in conformity, so far as practicable, with the provisions of law in respect to the assessment and collection of taxes by supervisors and town treasurers.

Treasurer and
marshal to give
security.

(3323.) SEC. 25. The treasurer and marshal of such village shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the president and trustees may direct and require.

Powers of presi-
dent and trust-
ees relative to
appointments.

(3324.) SEC. 26. The president and trustees shall have power to appoint all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for;

By-laws.

to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon the streets, commons,

Taxes.

lanes, and alleys; relative to the time and manner of assessing, levying, and collecting all highway and other taxes; relative to the prevention, removal, and abatement of nuisances; to construct

Nuisances.

Sewers, etc.
Wells.
Showmen.
Gaming.
Fire-buckets.
Bridges.
Fires.

sewers, cisterns, and reservoirs; to dig and maintain public wells; to license showmen; to suppress gaming; to compel the owners of buildings to procure and keep fire-buckets; to regulate bridges; to protect the property of the citizens of such village from fires;

Public meetings

relative to the calling of meetings of the electors; relative to the

Gunpowder.

keeping and sale of gunpowder; relative to the restraining of

Running at large
of animals.
Pounds.

swine, horses, and other animals from running at large in the streets, commons, lanes, and alleys; to establish, maintain, and

Billiards.

regulate one or more pounds; to suppress billiard and other gam-

Riots.

ing tables kept for hire, gain, or reward; for the suppression of

Disorderly
houses.
Vagrants, etc.

riots; for preventing and suppressing disorderly houses, or houses of ill-fame; for the apprehension and punishment of vagrants,

Firewood and
hay.
Stands for carts,
etc.

drunkards, and idle persons; to regulate the measurement of fire-wood and the weighing of hay; to prescribe stands for carts or

Immoderate
driving.
Incumbrance to
streets, etc.
Cemeteries.

drays, and for wood, hay, and produce exposed for sale; to prevent and punish immoderate driving in any of the streets of said village;

Shade trees.

to prevent incumbering the streets, sidewalks, alleys, or public grounds, and to regulate all graveyards and cemeteries within or belonging to said village; to preserve shade and ornamental trees.

and to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and its inhabitants, not inconsistent with the provisions of this act or the laws of this State: *Provided*, That no by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by posting up in at least three public places in said village.

(3325.) SEC. 27.¹ The president and trustees shall have power to lay out and establish, open, make, and alter such streets, lanes and alleys, sidewalks, highways, water-courses, and bridges, as they may deem necessary for the public convenience; and if they shall require the lands of any person for such purpose, the said president and trustees shall give notice to the owner or party interested, his, her, or their agent or attorney, either by personal service or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of the said president and trustees for the purpose aforesaid; and the said president and trustees are hereby authorized to contract for and purchase such lands of such owner for the purpose aforesaid; and in case such owner or owners refuse to sell or convey such lands or premises for the purpose aforesaid, or the parties fail to agree, it shall and may be lawful for the president and trustees to order and direct the clerk to issue a *venire facias* directed to the marshal, or to any constable of the county in which said village or any part thereof may be situate, commanding him to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before any justice of the peace in said village at a time to be therein stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of or interested in such lands or premises; which jury being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such lands or premises, and the just compensation to be made therefor, and after having viewed the premises, if they shall deem it necessary for the village to use said lands, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands and premises, according to their respective estates and interests therein; and the said justice shall, upon the return of such assessment or verdict, render judgment therefor confirming the same; and such sum or sums so assessed,

By-laws.
Powers of president and trustees in relation to streets, etc.
20 Mich. 51.

Proceedings when private property is required for public use.

¹ See section 17 of this act, as amended by Act 109, Laws of 1860, p. 268.

together with the costs, shall be paid or tendered, before such street lane, alley, or highway shall be opened, established, or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the president and trustees to cause the said lands and premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid may have the right to remove such proceedings by appeal to the circuit or district court for the county in which such proceedings were had, upon giving notice of his, her, or their intention so to do, to said justice in writing, within ten days, or in case such party does not reside in said village, then within thirty days after the rendition of such verdict and the judgment thereon as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal:

Proviso. *Provided*, That if the final judgment of said court shall not exceed the damages assessed before the said justice at least five dollars, the party appealing shall pay the costs occasioned by such appeal.

Further proviso.

Jurisdiction of justices of peace as to offenses against by-laws, etc. (3326.) SEC. 28. Any justice of the peace residing within such village may be and is hereby authorized and empowered to inquire, hear, and determine all offenses committed within the limits of such village, against any of the by-laws, ordinances, and regulations of such board of trustees, and to punish the offender or offenders as prescribed by such by-laws and ordinances: *Provided*, That any person charged with violating any of said by-laws or ordinances may have a trial by jury as in other cases.

Proviso.

Compensation of officers. (3327.) SEC. 29. The marshal, clerk, assessors, and such officers as may be appointed by the board of trustees, shall receive such compensation for their services as the by-laws and ordinances shall direct.

Annual statement of board of trustees. (3328.) SEC. 30. The board of trustees shall, at the expiration of each year, cause to be published a just and true statement of all moneys received and of all moneys expended during the year next preceding; which statement shall contain in detail all receipts and expenditures.

Citizens not to be deemed incompetent as witnesses or jurors. (3329.) SEC. 31. In actions, suits, and proceedings wherein the president and trustees of such village shall be a party, no citizen thereof shall be deemed an incompetent witness or juror, on account of the interest of such citizen in the event of such action,

suit, or proceeding: *Provided*, That such interest be only such as Proviso. is held in common with the citizens of said village.

(3330.) SEC. 32. Process against said corporation may be served How corporation served with process. by reading the same to, and leaving an attested copy with, the clerk or president of said village: *Provided*, That the first process shall be a summons served at least ten days before the return day thereof.

(3331.) SEC. 33. Every assessment of taxes lawfully imposed or Taxes to be a lien. levied by the president and trustees of such village on any lands, tenements, or hereditaments within said village, shall be and remain a lien upon such lands, tenements, or hereditaments from the time of the delivery of the tax roll to the marshal until the same is paid; and the owner or occupant of such lands, tenements, and hereditaments shall be liable, upon demand, to pay every such assessment or tax, and in default thereof it shall be lawful for the marshal of such village to levy upon and sell personal estate, and for want Sale of real estate for taxes. thereof the real estate so assessed, rendering the surplus, if any, after deducting the costs and charges of such sale, to the person against whom the tax is levied; but in case of lands, tenements, or hereditaments owned by non-residents, no demand of payment of the taxes assessed thereon of such owner shall be necessary prior to a levy and sale thereof as herein provided, or prior to a levy and sale of the personal property of such non-resident: *Provided*, That Notice of sale. whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in such village, if there be one, or by posting written notices thereof in at least three public places in said village, at least six weeks immediately preceding the time of such sale; and the marshal, on such sale, Certificate of sale. shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands so purchased, the amount of the bid, and the time when the purchaser thereof will be entitled to a deed for said land; and if the said lands are not within one Redemption. year from the date of such sale redeemed, by the payment to the treasurer of such village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of said year, execute to the purchaser or purchasers, his Conveyance. or their heirs or assigns, a conveyance of the lands so sold, and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings therein prior to such sale, were regular; and every such conveyance, executed by the said marshal under his hand and

Conveyance may be given in evidence.

seal, acknowledged and recorded, may be given in evidence, in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded; and every sale, both of real and personal estate, made under and by virtue of this act, shall be at public auction, at some public place within such village corporation, to be specified in the notice of sale, and shall take place between the hours of nine in the forenoon and four in the afternoon, and the lands or other property so sold shall be struck off to the highest bidder; and all personal estate sold for the payment of taxes, shall be upon a notice of not less than ten days, which notice shall be posted up in three of the most public places within such village, at least ten days previous to sale; and [at] every sale made under the provisions of this section, the said corporation may become purchasers, with all the rights, and subject to all the liabilities and obligations, of any other purchaser.¹

Sale of personal estate for taxes.

Notice of completion of assessment roll.

(3332.) SEC. 34. Whenever the assessors of such village shall have completed their assessment roll and valuation of the property, real and personal, in such village, they shall give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in at least three public places in said village, stating the place where said roll is left for inspection, and the time when and place where they will meet to hear the objections of any person interested, to the valuation so made by them; and at the time so appointed the assessors shall meet, and, on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause shown to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision, at any time within five days, to the president and trustees, who are in like manner authorized to review said roll, and, upon sufficient cause shown, to reduce such valuation.

Meeting of assessors to review roll.

Appeal from assessment to president and trustees.

Duplicate tax roll.

(3333.) SEC. 35. It shall be the duty of the president and trustees to make out a duplicate of the tax roll, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within such village, and annex thereto their warrant, signed by the president and clerk, and deliver the same to the marshal, whose duty it shall be to collect the said taxes within such time and in such manner as the by-laws shall direct.

Warrant.

¹ Vide note to section 19 of this act.

(3334.) SEC. 36. All moneys received by the marshal shall be paid over to the treasurer of said village. Moneys to be paid to treasurer

(3335.) SEC. 37. The street commissioners shall superintend and direct the working, planking, repairing, paving, grading, and opening all streets, lanes, alleys, sidewalks, crosswalks, highways, and bridges within such village, in such manner as may, from time to time, be directed by the president and trustees. Duties of street commissioners.

(3336.) SEC. 38. The president and trustees may establish the line parallel to and bounding upon the street or highway upon which buildings may be erected, and beyond which such buildings shall not extend. Line of buildings to be established by president and trustees.

(3337.) SEC. 39. The president and trustees shall have authority to establish and organize fire-companies, and hook-and-ladder companies, and provide them with engines and other implements as shall be necessary to extinguish fires and preserve the property of such village from conflagrations; to appoint from among the inhabitants of such village such number as may be necessary to serve as firemen. Fire companies may be established.

(3338.) SEC. 40. Each fire, hose, and hook-and-ladder company shall have power to elect their own officers, and establish rules for the government of said companies, subject to the approval of the president and trustees, and they may impose such fines for the non-attendance or neglect of duty of any of its members as they may deem necessary and proper; and every member of such company may obtain a certificate to that effect from the clerk of such village, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries, and from the payment of a poll tax in said village; and it shall be the duty of every fire company to keep in good repair and condition the fire-engines, hose, ladders, and other implements of such company, and they shall assemble at least once in each month, and as often as directed by the president and trustees, for the purpose of using and working, or examining, such engine and other implements, with a view to their perfect order and repair. Powers and duties of fire companies.

(3339.) SEC. 41. Upon the breaking out of any fire in such village, the marshal shall immediately repair to the place of such fire, and aid and assist in extinguishing such fire, and in preventing any goods from being stolen, and in removing and protecting the same, and shall obey the orders of the president and trustees, or either of them, who may be present at such fire. Duties of marshal at fires.

¹ Vide note to section 19 of this act.

Clerk, term of office.

(3340.) SEC. 42. The clerk of said village shall hold his office for the term of two years. ¹

Powers of marshal.

(3341.) SEC. 43. The marshal shall be a police constable for said village, and may serve any process issued by any officer by virtue of this act, and shall perform all such services as may be required by the president and trustees, and shall be entitled to the same fees as constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities, as constables in the performance of similar duties. Said marshal shall have the general supervision of the streets, commons, lanes, public grounds, burial-places, and alleys in said village, under the direction of the president and trustees, and shall see that the by-laws and ordinances are properly observed. ¹

Docket of police justice to be public record.

(3342.) SEC. 44. The docket of the clerk, kept by him as such police justice, shall be and remain a public record in his office, and shall be delivered over, together with all other books and papers belonging to his office as clerk, to his successor in office; and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office as such police justice.

Incorporated villages may incorporate under this act.

(3343.) SEC. 45. Any incorporated village may organize under the provisions of this act, by a vote of the electors of such village at the annual election of village officers for such village.

An Act to authorize the planting and protection of shade and ornamental trees in incorporated villages.

[Approved March 27, 1867. *Laws of 1867, p. 199.*]

Permission to plant.

(3344.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the street commissioners of any incorporated village, upon the written application of any six freeholders of such incorporated village, to grant permission to the said freeholders, or to any one of them, to plant, in any of the public streets, lanes, or highways of such village, contiguous to property owned by any of the freeholders making such application, shade or ornamental trees, and to provide suitable protection for and around any shade or ornamental trees now growing or hereafter planted within such village: *Provided,* That nothing herein contained shall authorize such street commissioners to grant permission to any person to plant trees in violation of any ordinance of such village.

Proviso.

¹ Vide note to section 19 of this act.

(3345.) SEC. 2. Such permission may be made by such street commissioners, in writing, and may be filed by the party or parties receiving it, in the office of the clerk of such village; and after the said permission shall have been so filed, it shall not be lawful for any person to cut down, mutilate, or destroy said trees, so long as they are alive or growing, under the same penalties that would attach to persons guilty of mutilating or destroying trees growing within an inclosure or occupied premises.

Penalty for mutilating after permission to plant.

(3346.) SEC. 3. It shall not be lawful for any person to cut down, mutilate, or destroy shade or ornamental trees that have been standing in any highway, public park, street, lane, or alley of such village, for the period of five years previous to the passage of this act, so long as said trees are alive or growing, or any shade or ornamental trees which have been heretofore planted, or to cut down, mutilate, or destroy the protections placed around any shade or ornamental trees; and any person who shall willfully and maliciously violate the provisions of this act shall be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not more than sixty days.

After trees have stood five years.

SEC. 4. This act shall take immediate effect.

An Act to authorize the introduction of water into, and the construction or purchase of hydraulic works in, the cities and villages in the State of Michigan.

[Approved August 4, 1870. Laws of 1870, p. 8.]

(3347.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any city or incorporated village in this State to borrow any sum of money to be used exclusively for the purpose of purchasing grounds, rights, privileges, materials, and in making improvements connected with, and for the sole purpose of supplying such city or village, and the inhabitants thereof, with water: *Provided,* That the total sum borrowed and raised by tax by any such municipality the first year shall not exceed ten per cent of the assessed valuation of such municipality, as contained in the last preceding assessment roll of the same: *And provided,* That no more than five per cent shall be borrowed during any one year thereafter, and that the rate of interest shall not exceed ten per cent upon any indebtedness contracted under the provisions of this act.¹

Authorized to borrow money.

Proviso.

Amount to be borrowed in one year.
Rate of interest.

¹ As amended by Act 25 of the Laws of 1871, p. 27, approved and took effect March 8, 1871.

Common council to fix time of payment of principal and interest (3348.) SEC. 2. The common council of any city, or the corporate authorities of any incorporated village, shall have the power to fix the time and place of payment of the principal and interest voted under the provisions of this act, and to issue the bonds or other evidence of indebtedness of such city or village: *Provided*, **May issue bonds** That it shall not be lawful for the common council of any city, or the corporate authorities of any incorporated village, to borrow any portion of said sum of money, unless the question of borrowing the same shall have been first submitted to the electors of such city or village at its annual election, or at a special election called for that purpose by the common council of such city or the corporate authorities of such village, and a majority of the electors voting at such election voting therefor by ballot.

City authorized to purchase entire rights of water companies (3349.) SEC. 3. Any city or village which may have availed itself of existing provisions of law to become a stockholder in any water company, may, by an arrangement with the company in which it owns stock, and with the other stockholders thereof, by purchase, acquire the entire rights of such water company: *Provided however*, **Proviso.** That in case such city or village shall have issued any bonds or evidences of indebtedness, in order to raise the money to pay for its stock in a water company, it shall not be permitted to perfect such arrangements until the common council of said city, or the corporate authorities of said village, shall, by a resolution to be entered in its minutes, undertake and promise, in consideration of such purchase, to pay, when due, the principal and interest of all outstanding bonds issued by said city or village for the purpose aforesaid, which new promise and undertaking shall be deemed to be made to each and every person or corporation which is or may become the holder of such bonds or evidence of indebtedness.

Commission; how appointed. (3350.) SEC. 4. It shall be lawful for the common council of any city, or the corporate authorities of any village, which shall avail itself of the provisions of this act, by the passage of proper ordinances, to provide for the appointment of a commission or board, the term of at least one member of which commission or board shall expire yearly, to take the charge and management of such water-works in the manner and to the extent which shall be provided in the ordinances of the city or village; and the common council of any city, or the corporate authorities of any village, may, by resolution or ordinance, fix the rates for supplying water to the inhabitants thereof, regulate the manner of making connections, and the use of the water, which rules and regulations shall apply equally to all the inhabitants of such city or village.

Common council to fix rates.

(3351.) SEC. 5. Nothing in this act shall be construed to affect the special provisions in the charter of any city or village already authorizing the introduction of water into the same, and the construction of hydraulic works for the supplying of such city or village, and the inhabitants thereof, with water. Provisions of charters heretofore granted not to be affected by this act.

(3352.) SEC. 6. It shall be the duty of the common council of any city, or the corporate authorities of any village, availing itself of the provisions of this act, from time to time, as it may be necessary, to levy and collect such sums of money as may be required to pay the principal or interest voted by such city or village under section one of this act, or the principal and interest of any bonds or other evidence of indebtedness, to pay which a new promise shall have been made in accordance with section three of this act. Council to collect sufficient sum to pay interest and principal when due.

SEC. 7. This act shall take immediate effect.

An Act to provide for vacating incorporated villages in certain cases.

[Approved March 18, 1865. Laws of 1865, p. 604.]

(3353.) SECTION 1. *The People of the State of Michigan enact,* That whenever the qualified electors of any incorporated village shall desire to vacate the incorporation of the same, or any part thereof, by altering the boundaries of the same, the board of trustees or common council of such village, upon a petition being presented to it at any regular or special meeting, signed by at least one-fourth of the legal voters of such village, as shown by the poll list of the last preceding election held in such village, praying that the incorporation of such village may be vacated, or the boundaries thereof altered, shall immediately thereupon order a special meeting of the electors of such village to be held, for the purpose of voting upon the question of vacating or altering the boundaries of the incorporation of the same, and shall give twenty days' notice of the time and place of holding such meeting, by posting up written or printed notices, which shall state the object of such meeting by reciting the substance of such petition, in six of the most public places within the limits of such village. Meeting of electors to vote upon the question of vacating.

(3354.) SEC. 2. At the time of holding such meeting, all persons voting in favor of vacating the incorporation of such village, or any part thereof, as the case may be, shall have written or printed upon their ballots, "In favor of vacating;" and those voting against vacating the incorporation of such village shall have written or printed on their ballots, "Against vacating;" and such meeting shall be conducted and the vote shall be canvassed in the Notice thereof.

Form of ballot.

Proceedings in case a majority vote for vacating

same manner as is provided for conducting elections in such village; and in case a majority of the qualified voters of such village shall vote in favor of vacating the incorporation of the same, or any part thereof, the trustees or common council of such village, or a majority of them, shall immediately thereafter cause a transcript of all the proceedings in the case to be certified under their hands to the county clerk of the county in which such village is located; and in case the entire village plat is vacated, all books, records, files, and papers relating to the organization of such village be deposited with the said county clerk, for safe keeping and reference: *Provided*, That nothing in this act contained shall authorize the qualified voters of any such incorporated village to vacate or alter any recorded plat of such village, or any street or alley in the same.

Proviso.

CHAPTER CXXVIII.

THE INTRODUCTION OF WATER INTO TOWNS, CITIES, AND VILLAGES.

An Act to authorize the formation of companies for the introduction of water into towns, cities, and villages in the State of Michigan.

[Approved April 3, 1869. Laws of 1869, p. 188.]

Companies;
when may be
formed.

(3355.) SECTION 1. *The People of the State of Michigan enact*, That whenever the common council of any city or incorporated village, or the municipal authority of any town in this State, shall, by resolution, declare that it is expedient to have constructed works for the purpose of supplying such city, village, or town, and the inhabitants thereof, with water, but that it is inexpedient for such city, town, or village, under the power granted in its charter, to build such works, it shall be lawful for any number of persons, not less than five, to organize a company for the construction of

Number of cor-
porators.

such water-works, or for any company previously organized, to construct such water-works under the provisions of this act; and such corporation shall have all the powers and privileges prescribed in the act in regard to corporations, being chapter fifty-five of Revised Statutes of eighteen hundred and forty-six, and chapter seventy-three of the Compiled Laws. They shall be capable of suing and being sued in any court of this State; may have a common seal, and alter and amend the same at pleasure; may elect in such a manner as they may determine all necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the stockholders shall choose.

Powers and privileges.

Liabilities.

Seal.

Officers; their compensation and duties. By-laws; how made.

(3356.) SEC. 2. Any number of persons, not less than five, who shall associate according to the provisions of this act, under any name assumed by them, to form a company for the purpose of supplying any city, town, or village, or the inhabitants thereof, with water for any and all purposes, shall, under their hands and seals, make and acknowledge before some person authorized by the laws of this State to take acknowledgments of deeds, a certificate, which shall specify—

Company; how formed.

Certificate of association.

- First.* The name by which such company shall be known; Name.
- Second.* The object for which such company shall be formed; Object.
- Third.* The amount of capital stock of such company, and the number of shares into which the same is divided; Amount of capital stock.
- Fourth.* The amount of capital stock actually paid in; Capital stock paid in.
- Fifth.* The names of the stockholders, their respective residences, and the number of shares held by each; Names, etc.
- Sixth.* The name of the city, town, or village, and county in which the operations of the company are to be carried on, and the place in this State where the office for the transaction of business is located; Place of business and location of office.
- Seventh.* The term of years the corporation is to exist, not exceeding thirty; Certificate, and where filed.

And shall cause the same to be filed with the Secretary of State of this State, and recorded in the county clerk's office of the county or counties in which such company shall conduct its business. They shall become incorporated under the name and style provided in such certificate, and are hereby authorized to carry on the operations named in such certificate of incorporation, and shall, with their successors and assigns, be deemed a body politic and corporate, in fact and in name, under any name assumed by them in their articles of association.

Real and personal estate.

(3357.) SEC. 3. Every such corporation shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for carrying on the business of said corporation.

Capital limited.

(3358.) SEC. 4. The amount of capital stock in every such corporation shall be fixed by the stockholders in their articles of association, but shall in no case be less than ten thousand dollars. Said

How increased.

stock may be increased from time to time as may be directed by the stockholders; and when the same is so increased, the same record shall be made of the fact, with the name of the stockholders,

How divided.

as required by section two of this act; and all the stock of said company shall be divided into shares of fifty dollars each.

Officers; how and when elected

(3359.) SEC. 5. The officers shall be elected by the stockholders when fifty per cent of the stock shall be subscribed and ten per cent of the amount subscribed paid in, and after a notice of at least two weeks has been given in some newspaper printed in the place where the said business is to be located, said notice to be signed by

Term of office.

at least three stockholders; and the officers elected shall hold their office one year and until their successors are elected. Said officers shall have the general superintendence of the affairs of the company, and the management of the business, and may call special

Quorum.

meetings of the stockholders; and a majority of the stockholders shall constitute a quorum at all meetings; and at all meetings each share shall be entitled to one vote, either in person or by proxy.

General powers of corporations.

(3360.) SEC. 6. Any corporation formed under this act shall have power to introduce water into any town, city, or village in the State, named in their articles of incorporation, and where the said corporation is located, for public or private buildings, or for other purposes; and for that purpose they are authorized and empowered to acquire and hold real estate in such town, city, or village, or contiguous thereto, if necessary, and to erect and maintain all necessary and convenient buildings, fixtures, machinery, and other appurtenances incident or necessary, and to lay water pipes in and through the streets, avenues, lanes, alleys, or squares of said city, town, or village, with the consent of the municipal authorities of the city, town, or village, under such reasonable regulations as they may prescribe; and to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers. Said corporation, by their directors, agents, servants, or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purposes, and may take the water from any springs, ponds, rivers, fountains, or streams, and divert and conduct the same to said city, and may lay and construct any

pipes, conduits, aqueducts, wells, reservoirs, or other works or machinery necessary or proper, and authorized for said purposes, upon any lands or property entered upon, purchased, taken, or held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, lanes, alleys, public squares, through which they deem it proper to carry water from said springs, ponds, rivers, fountains, streams, and reservoirs, and lay and construct any pipes, conduits, aqueducts, and other works for said purposes, leaving said lands, streets, highways, lanes, or public squares in the same condition, as nearly as may be, as they were before said entry; but the said company shall not, within the bounds of such city, town, or village, lay and construct said pipes, conduits, aqueducts, and other works, through any private garden, court-yard, or building-lot, without the written consent of the owner thereof.

(3361.) SEC. 7. Before entering, taking, or using any lands for the purposes of this act, the directors of the company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of said owners or occupants intended to be taken or used shall be designated, and which map shall be signed by the surveyor or engineer making the same, and by the president of said company, and be filed in the office of the clerk of the county. The company, by any two of its officers, agents, or servants, may enter upon any lands for the purpose of making any examination, and for the purpose of making said survey and map.

Survey and map of lands to be made before entering upon.

Map, where filed

Company may enter upon lands to examine.

(3362.) SEC. 8. In case said company cannot agree with the owners or occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, said company may, for the purpose of acquiring the necessary title and right to said lands or water, present a petition to the circuit court of the county where the company is located, at any term thereof, or during the vacation of the term to any judge of a court of record, praying for the appointment of three commissioners; and such proceedings shall be had upon said petition as are prescribed in the act to provide for the incorporation of railroad companies, being chapter sixty-seven of the Compiled Laws, for the purpose of acquiring such title or right, except that the said circuit court or judge shall appoint disinterested and competent freeholders residing in the township or municipality where the said premises are situated.

Title to lands; how acquired.

(3363.) SEC. 9. The stock of every such corporation shall be deemed personal property, and certificates of stock shall be issued to each stockholder on the full amount of his subscription being

Stock deemed personal property.

Certificates of, issued to stockholders. Transfer of, must be recorded paid in. The said certificates of stock may be transferable, but the transfer shall not be valid unless a record shall be made of the same in the books of the company, in such form as the directors shall prescribe; and it shall be the duty of the directors to make out a written statement of all the stockholders, and the amount of stock held by each, when legally called upon by the proper assessing officer.

Subscriptions; how called in. (3364.) SEC. 10. The directors may call in subscriptions to the capital stock of such corporation, by installment, in such portions as they deem best, by giving notice thereof as provided by the by-laws; and in case any stockholder refuses or neglects to pay any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of any such delinquent stockholder may be sold by order of the directors, at public auction at the office of said company, after thirty days' notice published in some newspaper in the county where the corporation is located; and the proceeds of said sale shall be first applied in the payment of the installment called for, and the expense on the same, and the residue shall be refunded to the former owner thereof; and such sale shall entitle the purchaser to all the privileges of a stockholder to the extent of the share so bought.

Stockholders individually liable for debts of corporation. (3365.) SEC. 11. The stockholders of all corporations organized under this act shall be individually liable for debts contracted by said corporation during the time they were stockholders as aforesaid, which said liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned not satisfied against such company: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Municipal authorities may contract for supply of water. (3366.) SEC. 12. The municipal authorities of any city, village, or town into which water shall be introduced by a company under this act, may contract and agree with such company for the supply of water for public, municipal, or other purposes, and for the time and mode of payment, and may issue their obligations therefor.

Annual meetings (3367.) SEC. 13. There shall be an annual meeting of the stockholders at such time and place as the by-laws of the corporation shall designate, for the election of directors and the transaction of

Proceedings in
case a majority
vote for vacating

same manner as is provided for conducting elections in such village; and in case a majority of the qualified voters of such village shall vote in favor of vacating the incorporation of the same, or any part thereof, the trustees or common council of such village, or a majority of them, shall immediately thereafter cause a transcript of all the proceedings in the case to be certified under their hands to the county clerk of the county in which such village is located; and in case the entire village plat is vacated, all books, records, files, and papers relating to the organization of such village be deposited with the said county clerk, for safe keeping and reference: *Provided*, That nothing in this act contained shall authorize the qualified voters of any such incorporated village to vacate or alter any recorded plat of such village, or any street or alley in the same.

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Number of cor-
porators.

such water-works, or for any company previously organized, to construct such water-works under the provisions of this act; and such corporation shall have all the powers and privileges prescribed in the act in regard to corporations, being chapter fifty-five of Revised Statutes of eighteen hundred and forty-six, and chapter seventy-three of the Compiled Laws. They shall be capable of suing and being sued in any court of this State; may have a common seal, and alter and amend the same at pleasure; may elect in such a manner as they may determine all necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws, not inconsistent with the Constitution and laws of this State, as a majority of the stockholders shall choose.

Powers and
privileges.

Liabilities.

Seal.

Officers; their
compensation
and duties.
By-laws; how
made.

(3356.) SEC. 2. Any number of persons, not less than five, who shall associate according to the provisions of this act, under any name assumed by them, to form a company for the purpose of supplying any city, town, or village, or the inhabitants thereof, with water for any and all purposes, shall, under their hands and seals, make and acknowledge before some person authorized by the laws of this State to take acknowledgments of deeds, a certificate, which shall specify—

Company; how
formed.

Certificate of as-
sociation.

- First.* The name by which such company shall be known; Name.
- Second.* The object for which such company shall be formed; Object.
- Third.* The amount of capital stock of such company, and the number of shares into which the same is divided; Amount of capital stock.
- Fourth.* The amount of capital stock actually paid in; Capital stock paid in.
- Fifth.* The names of the stockholders, their respective residences, and the number of shares held by each; Names, etc.
- Sixth.* The name of the city, town, or village, and county in which the operations of the company are to be carried on, and the place in this State where the office for the transaction of business is located; Place of business and location of office.
- Seventh.* The term of years the corporation is to exist, not exceeding thirty; Certificate, and where filed.

And shall cause the same to be filed with the Secretary of State of this State, and recorded in the county clerk's office of the county or counties in which such company shall conduct its business. They shall become incorporated under the name and style provided in such certificate, and are hereby authorized to carry on the operations named in such certificate of incorporation, and shall, with their successors and assigns, be deemed a body politic and corporate, in fact and in name, under any name assumed by them in their articles of association.

- Real and personal estate.** (3357.) SEC. 3. Every such corporation shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for carrying on the business of said corporation.
- Capital limited.** (3358.) SEC. 4. The amount of capital stock in every such corporation shall be fixed by the stockholders in their articles of association, but shall in no case be less than ten thousand dollars. Said stock may be increased from time to time as may be directed by the stockholders; and when the same is so increased, the same record shall be made of the fact, with the name of the stockholders,
- How increased.** as required by section two of this act; and all the stock of said company shall be divided into shares of fifty dollars each.
- How divided.** (3359.) SEC. 5. The officers shall be elected by the stockholders when fifty per cent of the stock shall be subscribed and ten per cent of the amount subscribed paid in, and after a notice of at least two weeks has been given in some newspaper printed in the place where the said business is to be located, said notice to be signed by at least three stockholders; and the officers elected shall hold their office one year and until their successors are elected. Said officers shall have the general superintendence of the affairs of the company, and the management of the business, and may call special meetings of the stockholders; and a majority of the stockholders shall constitute a quorum at all meetings; and at all meetings each share shall be entitled to one vote, either in person or by proxy.
- Officers; how and when elected**
- Term of office.**
- Quorum.**
- General powers of corporations.** (3360.) SEC. 6. Any corporation formed under this act shall have power to introduce water into any town, city, or village in the State, named in their articles of incorporation, and where the said corporation is located, for public or private buildings, or for other purposes; and for that purpose they are authorized and empowered to acquire and hold real estate in such town, city, or village, or contiguous thereto, if necessary, and to erect and maintain all necessary and convenient buildings, fixtures, machinery, and other appurtenances incident or necessary, and to lay water pipes in and through the streets, avenues, lanes, alleys, or squares of said city, town, or village, with the consent of the municipal authorities of the city, town, or village, under such reasonable regulations as they may prescribe; and to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers. Said corporation, by their directors, agents, servants, or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purposes, and may take the water from any springs, ponds, rivers, fountains, or streams, and divert and conduct the same to said city, and may lay and construct any

pipes, conduits, aqueducts, wells, reservoirs, or other works or machinery necessary or proper, and authorized for said purposes, upon any lands or property entered upon, purchased, taken, or held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, lanes, alleys, public squares, through which they deem it proper to carry water from said springs, ponds, rivers, fountains, streams, and reservoirs, and lay and construct any pipes, conduits, aqueducts, and other works for said purposes, leaving said lands, streets, highways, lanes, or public squares in the same condition, as nearly as may be, as they were before said entry; but the said company shall not, within the bounds of such city, town, or village, lay and construct said pipes, conduits, aqueducts, and other works, through any private garden, court-yard, or building-lot, without the written consent of the owner thereof.

(3361.) SEC. 7. Before entering, taking, or using any lands for the purposes of this act, the directors of the company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of said owners or occupants intended to be taken or used shall be designated, and which map shall be signed by the surveyor or engineer making the same, and by the president of said company, and be filed in the office of the clerk of the county. The company, by any two of its officers, agents, or servants, may enter upon any lands for the purpose of making any examination, and for the purpose of making said survey and map.

Survey and map of lands to be made before entering upon.

Map, where filed

Company may enter upon lands to examine.

(3362.) SEC. 8. In case said company cannot agree with the owners or occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, said company may, for the purpose of acquiring the necessary title and right to said lands or water, present a petition to the circuit court of the county where the company is located, at any term thereof, or during the vacation of the term to any judge of a court of record, praying for the appointment of three commissioners; and such proceedings shall be had upon said petition as are prescribed in the act to provide for the incorporation of railroad companies, being chapter sixty-seven of the Compiled Laws, for the purpose of acquiring such title or right, except that the said circuit court or judge shall appoint disinterested and competent freeholders residing in the township or municipality where the said premises are situated.

Title to lands; how acquired.

(3363.) SEC. 9. The stock of every such corporation shall be deemed personal property, and certificates of stock shall be issued to each stockholder on the full amount of his subscription being

Stock deemed personal property.

Certificates of,
issued to stock-
holders.
Transfer of,
must be recorded

paid in. The said certificates of stock may be transferable, but the transfer shall not be valid unless a record shall be made of the same in the books of the company, in such form as the directors shall prescribe; and it shall be the duty of the directors to make out a written statement of all the stockholders, and the amount of stock held by each, when legally called upon by the proper assessing officer.

Subscriptions;
how called in.

(3364.) SEC. 10. The directors may call in subscriptions to the capital stock of such corporation, by installment, in such portions as they deem best, by giving notice thereof as provided by the by-laws; and in case any stockholder refuses or neglects to pay any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of any such delinquent stockholder may be sold by order of the directors, at public auction at the office of said company, after thirty days' notice published in some newspaper in the county where the corporation is located; and the proceeds of said sale shall be first applied in the payment of the installment called for, and the expense on the same, and the residue shall be refunded to the former owner thereof; and such sale shall entitle the purchaser to all the privileges of a stockholder to the extent of the share so bought.

Stockholders in-
dividually liable
for debts of cor-
poration.

(3365.) SEC. 11. The stockholders of all corporations organized under this act shall be individually liable for debts contracted by said corporation during the time they were stockholders as aforesaid, which said liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned not satisfied against such company: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Proviso.

Municipal au-
thorities may
contract for sup-
ply of water.

(3366.) SEC. 12. The municipal authorities of any city, village, or town into which water shall be introduced by a company under this act, may contract and agree with such company for the supply of water for public, municipal, or other purposes, and for the time and mode of payment, and may issue their obligations therefor.

Annual meetings

(3367.) SEC. 13. There shall be an annual meeting of the stockholders at such time and place as the by-laws of the corporation shall designate, for the election of directors and the transaction of

business of the corporation. Special meetings of the stockholders may be called by the directors. Special meetings

(3368.) SEC. 14. The officers of such company shall be a president, who also shall be a director, a secretary, a treasurer, and such other officers, agents, and servants as the board of directors shall deem necessary for the transaction of the business of the company. Such officers shall be elected annually, by the directors, and may be required to give bonds, with penalty and securities, to the approval of the board of directors. Officers designated.

(3369.) SEC. 15. Whenever any such company shall have been duly organized, it shall be the duty of the common council of any such city or village, or the proper authorities of any such town, by ordinance, to grant to such company such right to the use of the streets, alleys, wharves (if any), and public grounds of said city, village, or town, as shall be necessary to enable such company to construct the proper works for the supply of water for the use of such city, village, or town and its inhabitants; and the said common council may, in such ordinance, prescribe such just and reasonable terms, restrictions, and limitations upon such company, in reference to the manner of using streets, alleys, wharves, and public grounds; to the charging and collecting of tolls, water-rents, or other compensation for the supply of water to be furnished by such company to such city, town, or village, and its inhabitants, as it may deem proper; to guard against the improper use of such streets, alleys, wharves, and public grounds, and to protect said city, town, or village, and its inhabitants, from the imposition of undue or excessive rates or charges for the supply of water; but no such restriction shall be imposed which shall prevent such company realizing upon its capital stock an annual income or dividend of ten per cent, after paying the cost of all necessary repairs and expenses, interest on all moneys borrowed, and five per cent per annum into sinking funds, for the extinguishment of funded debts. Common council to grant use of streets, etc.

(3370.) SEC. 16. From and after the expiration of twenty-five years from the time of the organization of such company, the common council of the city, town, or village for which the said company may have erected its works shall have the right and privilege of purchasing from such company all its buildings, reservoirs, fixtures, apparatus, and property of such company, with all its corporate rights and privileges, at such price as may be agreed upon; and in case of disagreement between the parties, the price to be ascertained and determined by five disinterested persons, not May restrict and limit company.

Company may realize income on capital stock.

Time when common council may purchase water-works.

Disagreement in price; how settled.

residents of said city or village, two of whom shall be chosen by said common council, two by the board of directors of such company, and the fifth by the four so chosen, who, when thus chosen and assembled, shall have power to determine, finally and conclusively, the amount which such town, city, or village shall pay for the rights, property, and franchises of such company as aforesaid.

How any city or village may become a stockholder.

(3371.) SEC. 17. Any such city, town, or village may become a stockholder in any such company whenever the common council shall so direct, by resolution duly entered upon its minutes, after the question of so doing shall have been first submitted to the electors of said city, town, or village, in such manner as the common council may have prescribed, and the said electors shall have voted in favor thereof. Such resolution shall specify the number of shares to be taken, and shall require the mayor, president, or other municipal officer to carry out the directions by subscribing for the number of shares indicated upon the books of the company.

Certain corporations may subscribe stock.

Any railroad, gas, manufacturing, or other corporation organized under any law of this State, and any insurance company organized under the laws of any State or country, doing business in this State, may subscribe for and own stock in such company, and be entitled to all the rights and privileges, and shall be subject to all the liabilities, of stockholders. It shall be lawful for any such city, town, or village to issue bonds, payable at such time as the common council shall direct, and bearing interest at a rate not exceeding eight per cent per annum, and to negotiate the same upon the best terms they can obtain. Such cities, towns, and villages shall have power, in addition to that given by their charters, to levy taxes not exceeding two per cent on the assessed valuation per annum, sufficient to meet the principal and interest falling due on such bonds.

Bonds may be issued by any city or village; rate of interest.

Taxes may be levied.

When company shall be deemed fully organized.

(3372.) SEC. 18. Any such company shall be deemed to be fully organized whenever half the capital stock named in its articles of association shall have been in good faith subscribed, and ten per cent thereof paid in, and may thereupon enter on the work of

When may raise money and issue bonds.

construction; and in order to raise moneys for that purpose, it shall have power to borrow money, to issue bonds, or other evidences of indebtedness, to execute mortgages or trust deeds, as may be deemed necessary for that purpose; and it may also issue a preferred stock, if a majority of the stockholders of the company shall vote that it is advisable so to do; but in the case that such city, town, or village is a stockholder, no such mortgage, trust deed, or issue of preferred stock shall be valid without the assent thereto of

When preferred stock may be issued.

the common council of said city or village, or the municipal authorities of such town; and in such case it shall be deemed a misdemeanor for the directors of said company to contract debts to any amount in excess of the means provided for by subscriptions to stock, and the estimated net receipts of the company from its rates for one year, in advance, except they shall have first obtained the assent thereto of the said common council.

SEC. 19. This act shall take immediate effect.

CHAPTER CXXIX.

BURYING-GROUNDS AND RURAL CEMETERIES.

An Act relating to burying-grounds.¹

[Approved February 12, 1855. Laws of 1855, p. 187.]

(3373.) SECTION 1. *The People of the State of Michigan enact,* That any five or more persons of lawful age may organize themselves into a corporation, by such name as they shall adopt, for the purpose of acquiring land for a burial-ground for the dead, to dispose of rights of burial therein, and to fence, improve, ornament, and keep the same in suitable condition, in the manner hereinafter provided.

How corporation may be organized.

(3374.) SEC. 2. Such corporation shall have power to acquire and hold in fee, or for a term of years, so much land as may be necessary for their burying-ground: *Provided*, That no land thus held shall be in any way incumbered by such corporation: *And provided further*, That the purchase price thereof, and interest thereon, or the rent reserved therefor, and the costs of fencing, improving,

Authorized to acquire and hold real estate.

Providso.

Further proviso.

¹ For prior enactments on the same subject, see Laws of 1840, p. 135; Revised Statutes of 1846, p. 210.

- and platting the same, shall be paid out of the funds first realized from the sale of rights of burial: *And provided further*, That any lease of land to such corporations shall contain a covenant on the part of the lessor, that the lands thus leased shall never be used by him, his heirs or assigns, for any other than burial purposes, and that all rights of burial acquired under such corporation shall remain unimpaired, although such lease may expire, or such corporation may forfeit the rights acquired under such lease, by reason of non-compliance with the conditions thereof.¹
- Conditions of lease.** (3375.) SEC. 3. A right of burial under this act shall be, in respect to any corporation organized under this act, the right to bury the dead in and upon a parcel of land of the size specified in the by-laws of any corporation organized under this act.
- What a right of burial shall be.** (3376.) SEC. 4. Any stockholder in any corporation organized under this act, wishing to dispose of any right of burial owned by him, shall procure for the purchaser a grant of such right from said corporation; and at the same time such stockholder shall also relinquish to such corporation all claim he may have to such right of burial.
- Transfer of rights of burial.** (3377.) SEC. 5. Any person owning a lot or right of burial in ground controlled by a corporation organized under this act, and having the right to use the same, shall be deemed a stockholder, and shall have the right to vote at all meetings of the stockholders of such corporation, unless in arrears for assessment.²
- Burial lot holders deemed stockholders.** (3378.) SEC. 5. Any person owning a right of burial derived from any corporation organized under this act, and having the right to use the same, shall be deemed a stockholder, and shall have the right to vote at all meetings of the stockholders of such corporation.
- Who to be deemed stockholders.** (3379.) SEC. 6. Upon application in writing of any three of the persons aforesaid, to any justice of the peace of the county in which such burying-ground is to be situated, he shall issue his warrant to either one of said applicants, directing him to call a meeting of the persons wishing to become incorporated, which warrant shall contain the substance of the application, and shall state the time and place of holding the meeting; and such meeting shall be called in obedience to such warrant, by posting up notice thereof, containing the substance of the warrant, in at least two public places in the township, city, or village in which such
- Call of meeting to incorporate society.**

¹ As amended by Act 282 of the Laws of 1865, p. 577, approved and took effect March 20, 1865.

² As amended by Act 99 of the Laws of 1867, p. 186, approved March 25, 1867.

burying-ground is to be situated, at least ten days before the time of holding such meeting.

(3380.) SEC. 7. The person to whom the aforesaid warrant is directed shall, after having called said meeting, attach to said warrant a copy of the notice, accompanied by his affidavit, showing that it is a true copy of the notice posted up by him, and also showing when and where such notices were posted; and the same shall be presented to such meeting, and filed by the clerk elected thereat.

Affidavit of notice of meeting to be made and filed.

(3381.) SEC. 8. Any five or more persons who shall meet in pursuance of such notice may choose a president, clerk, treasurer, sexton, and such other officers as they may determine to be necessary, and may also provide for calling future meetings and filling vacancies.

Officers, and their election.

Future meetings

(3382.) SEC. 9. The officers named in the next preceding section shall be chosen by ballot, and the person having the highest number of votes for any office shall be deemed elected. All the other officers of the corporation shall be chosen in such manner as shall be prescribed by such corporation in their by-laws. The time and place of holding meetings for the election of officers and for other purposes shall also be prescribed in said by-laws.

Officers; how chosen.

Time of meetings to be prescribed by by-laws.

(3383.) SEC. 10. A majority of the officers required to be chosen by ballot, in any corporation organized under this act, shall have power to fill any vacancy in office by appointment.

Vacancies; how filled.

(3384.) SEC. 11. All persons elected or appointed to any office under any corporation organized under this act shall, within ten days after such election or appointment, file with the clerk a written acceptance of the office, together with a bond, if required, or said office will be vacant.

Officers to file acceptance, and bond if required.

(3385.) SEC. 12. Any person attending any meeting for the election of officers of any corporation organized under this act, and elected thereat to any office, shall be deemed to have been duly notified of his election. The clerk of such corporation shall, within two days after the election of any person to office who was not present at the election, notify such person of his election.

Notice to officers elected.

(3386.) SEC. 13. The treasurer shall give a bond to the corporation, with sufficient sureties, to be approved by the president thereof, for the faithful discharge of his duties, which bond shall be filed with the clerk.

Treasurer to give bond.

(3387.) SEC. 14. The officers of any corporation organized under this act shall receive such reasonable compensation for their ser-

Compensation of officers.

vices as shall be allowed by such corporation at any regular meeting of the stockholders, and no more.

Corporation
may make by-
laws.

(3388.) SEC. 15. Corporations organized under this act shall have power to make all needful by-laws and regulations, not inconsistent with this act, as may be necessary to enable them to manage the affairs of such corporation.

Certificate of or-
ganization to be
made, filed, and
recorded in office
of county clerk.

(3389.) SEC. 16. Within one week after the organization of any corporation organized under this act, the clerk shall make out a certificate of the organization of such corporation, specifying the corporate name thereof, the officers chosen at the first meeting, which certificate shall be signed by the president and clerk of such corporation, and forthwith record such certificate in the office of the clerk of the county in which such burying-ground is or may be situated, in a book to be provided and kept by him for that purpose, who shall be entitled to receive seventy-five cents for recording the same.

Burial-ground
to be laid out
and maps made,
etc., before
issuing certifi-
cate of rights of
burial.

(3390.) SEC. 17. Before any corporation organized under the provisions of this act shall issue certificates of rights of burial, they shall cause their burial-ground to be laid out in such form as they may choose, and cause two maps thereof to be made, which maps shall accurately describe the land belonging to such burying-ground, its boundaries and location, with the lots or subdivisions named or numbered thereon, and also their size, situation, and extent, with the width, extent, and location of all the streets, alleys, or walks in such burying-ground, which maps shall be prepared under the supervision and direction of the president and clerk of such corporation, and certified by them to be a correct map of their burying-ground. One of the above maps shall be filed with the clerk of the corporation, and the other with the county clerk of the county in which such burying-ground is situated; whereupon said clerk shall give said corporation a certificate, under his hand and seal of office, showing that such map has been received and duly filed by him, which certificate shall be filed with the clerk of said corporation.

Corporations
may sue, etc.,
and have com-
mon seal.

(3391.) SEC. 18. All corporations organized under this act, shall be capable in their corporate name of suing and being sued, appealing, prosecuting, and defending, to final judgment and execution, in any of the courts of this State or elsewhere, and to have a common seal which they may alter at pleasure.

Powers of cor-
porations.

(3392.) SEC. 19. Any burying-ground corporation heretofore organized under any law of this State, upon complying with the provisions of the preceding section of this act, shall possess all the

powers and be subject to all the restrictions of corporations originally organized under this act; and the owners of lots in any public burying-ground in this State may associate together and organize themselves into a corporation under the provisions of this act, whenever a majority of such owners shall take the proceedings provided by sections five, six, seven, and eight, and thereafter other owners may become members of such corporation by a vote of the board of officers of the corporation, on application to be admitted to membership. Cities, villages, and towns may transfer to any corporation, organized under this act, all rights remaining to them in any public burying-ground.¹

Authorized to organize.

Transfer of rights from cities, etc. to them.

(3393.) SEC. 20. Any right that may have accrued to any member, stockholders, or lot-owner of any burial-ground corporation, or public burying-ground heretofore existing in this State, shall not be affected or impaired by reason of this act.¹

Act does not impair rights.

(3394.) SEC. 21. Whenever it may become necessary to vacate any burying-ground, the property of any corporation organized under this act, such corporation may, by a majority of its stockholders present at any regular meeting, direct the president and clerk of such corporation to petition the circuit court for the county in which such burying-ground is situated, for leave to vacate the same; and such circuit court may make such order in the premises as shall be just and proper: *Provided*, No final order shall be made within six months from the time of filing such petition, and due proof of publication of notice of such petition, for twelve successive weeks, in such newspaper as may have been designated by said court for that purpose.

Burying-ground may be vacated by circuit court.

Petition therefor, and notice.

Proviso.

(3395.) SEC. 22. It shall be lawful for any corporation organized under this act, to dispose of that part of any forfeited right of burial, which has not been actually used as a repository of the dead, in like manner as if the same had never been granted.

Forfeited rights, how disposed of.

(3396.) SEC. 23. Any corporation organized under this act may be authorized by the circuit or district court of the county, upon the like petition and notice as are required in the twenty-first section of this act, and after six months from the filing of such petition, to re-dispose of burial rights on which assessment shall have remained unpaid for fifty years or more.

Rights, how sold when assessments unpaid for fifty years.

(3397.) SEC. 24. A majority of the stockholders of any corporation organized under this act, present at any regular meeting thereof, shall, when necessary, have power to vote an assessment upon the stockholders of such corporation, which assessment shall

A majority of stockholders may vote assessments.

¹ Vide note to section 5 of this act.

How proportioned.	be made by the board of officers of such corporation, as near as may be, in proportion to the value of the respective lots or rights of burial therein. ¹
Record of assessments to be made.	(3398.) SEC. 25. After an assessment has been made, as provided for in the next preceding section, such corporation shall cause a record to be made of such assessment, and showing the day when the same was made, with a list of the names of all the stockholders in such corporation, and the amount assessed to each stockholder. A copy of the assessment shall be furnished by the
Copy for treasurer.	clerk to the treasurer of such corporation.
Notice of assessments to stockholders.	(3399.) SEC. 26. Within one month from the time of making any assessment, the clerk of the corporation making the same shall cause public notice of the same to be given, in such manner as the board of officers shall direct, directing each stockholder to pay his assessment to the treasurer of such corporation within thirty days from the date of such notice; and such assessment shall be and hereby is declared a personal liability against the
Assessments personal liability	person owning such lot or right of burial, and payment thereof may be enforced by action of debt or assumpsit in the name of such corporation. ¹
Duties of officers to be defined by by-laws.	(3400.) SEC. 27. The powers and duties of all officers holding office under any corporation organized under this act, shall be defined by the by-laws of such corporation, except so far as they are defined in this act.
Treasurer's duty.	(3401.) SEC. 28. It shall be the duty of the treasurer of any corporation organized under this act to receive and safely keep all moneys belonging to such corporation, and pay them out on the order of the clerk, countersigned by the president of such corporation.
Form of record of right of burial	(3402.) SEC. 29. A record shall be kept by each corporation organized under this act, of the rights of burial disposed of by such corporation, in the following form: <div style="text-align: center;"> <p>"No. The for to them paid by of hereby grant unto right of burial in their grounds, and embracing in reference to this map, subject, nevertheless, to assessment and forfeiture, as provided by law.</p> <p>"Dated 18 . " " Clerk.</p> <p>"Countersigned, " President."</p> </div>

¹ Vide note to section 5 of this act.

(3403.) SEC. 30. It shall be the duty of every corporation organized under this act to procure a sufficient number of blanks of the form above prescribed, bound in convenient form, with an index in which shall be entered alphabetically the names of the purchasers of rights of burial in the grounds of such corporation. Blanks and index for record.

(3404.) SEC. 31. The price of rights of burial in the grounds of such corporation shall be determined by the stockholders of such corporation present at any regular meeting. Price of rights of burial to be determined by stockholders.

(3405.) SEC. 32. Upon payment to the treasurer of any corporation organized under this act, the price of any right of burial determined as above, it shall be the duty of such treasurer to give the purchaser a receipt therefor, which receipt shall accurately describe the premises on which payment has been made. Receipt for payment therefor.

(3406.) SEC. 33. Upon presenting to the clerk of any corporation organized under this act, a receipt from the treasurer thereof in the form prescribed in the next preceding section of this act, it shall be the duty of such clerk to issue a certificate of right of burial, signed by such clerk, and countersigned by the president of such corporation, in the form prescribed in the twenty-ninth section of this act. Certificate of right of burial to purchaser.

(3407.) SEC. 34. Any corporation organized under this act shall have power to set off a part of their burial ground as a potter's field, and, under proper regulations, permit the dead to be buried therein. Corporation may set off potter's field.

SEC. 35. This act shall take effect immediately.

RURAL CEMETERIES.

An Act to authorize and encourage the formation of corporations to establish rural cemeteries, and provide for the care and maintenance thereof.

[Approved February 19, 1869. Laws of 1869, p. 18.]

(3408.) SECTION 1. *The People of the State of Michigan enact,* Number of corporations.
That any number of persons, not less than ten, who shall, by articles of agreement in writing, associate themselves according to the provisions of this act, under any name assumed by them, for the purpose of purchasing land for a cemetery in this State, and for fencing, laying out, improving, maintaining, and establishing the same, and who shall comply with sections two and three of this act, shall, with their successors and assigns, constitute a body politic or corporate, under the name assumed by them in their articles of association: *Provided however,* Purpose of incorporation. That no two corporations shall Provide. assume the same name.

Articles must be signed, acknowledged and state:	(3409.) SEC. 2. The articles of agreement of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take the acknowledgment of deeds, and shall state—
Amount of land to be purchased, and situation.	<i>First.</i> The amount of land which it is proposed to purchase for such cemetery, and the town and county in which it is situated;
Amount of estimated capital.	<i>Second.</i> The amount of capital which it is estimated will be required to make such purchase, and to fence and improve the grounds, and the number of shares into which the same shall be divided;
Name.	<i>Third.</i> The name by which such corporation shall be known;
Number of directors.	<i>Fourth.</i> The number of persons who shall constitute the board of directors, being not less than five nor more than thirteen;
Names of directors and treasurer.	<i>Fifth.</i> The names of those who shall constitute the first board of directors, and the name of the first treasurer;
Names of subscribers.	<i>Sixth.</i> The names of the subscribers to the articles of association, and the number of shares subscribed by each towards the required capital;
Term of duration.	<i>Seventh.</i> The term of duration of such corporation, which shall not exceed thirty years.
Subscribers each to pay 20 per cent of amount subscribed.	(3410.) SEC. 3. The subscribers to such articles of association shall, at the time of subscription thereto, severally pay to the treasurer named therein at least twenty per cent of the amount subscribed by each, and when the whole amount of capital mentioned in said articles shall be subscribed, and said portion thereof actually paid in, the directors shall cause a copy of their articles of association, together with an affidavit of such treasurer that twenty per cent of the amount of capital subscribed has actually been paid in, to be filed in the office of the county clerk of the county in which such association is formed: <i>Provided,</i> That no person shall be permitted to subscribe to exceed one-tenth of the capital of such association, and no person shall hold, own, or represent scrip to exceed one-tenth of the capital thereof.
Articles filed with county clerk.	
Proviso.	
Annual meetings.	(3411.) SEC. 4. The annual meeting of every such corporation shall be held on the second Monday of May in each year, unless some other day shall be fixed by the by-laws thereof, and in such case, it shall be held upon the day so fixed. Such meeting shall
Election of board of directors.	elect a board of directors, who shall serve for the ensuing year and until their successors shall be chosen, and transact such other business, relating to the business of the corporation, as may properly come before it. At such meeting the owners of scrip, herein-
Owners of scrip allowed one vote for each \$100 owned.	after provided for, shall have the right to vote, either in person or

by proxy, in proportion to the amount of scrip held by them, respectively, each owner thereof being entitled to one vote for each hundred dollars of scrip. Special meetings of any such corporation may be provided for by the by-laws thereof, and shall be held when called in accordance with such provision. Special meetings

(3412.) SEC. 5. It shall be the duty of said board of directors to choose from their own number a president and vice president, and also to elect suitable persons as treasurer and secretary of such corporation, and from time to time to appoint a superintendent and such other subordinate officers as may be required by the by-laws. Choice of officers.

(3413.) SEC. 6. The board of directors shall have the general management of such corporation, and shall have the power— Powers of board of directors.

To purchase land for the use of such association, but for no other purpose, and not exceeding in all three hundred acres; To purchase land.

To levy assessments upon the subscribers to the articles of association, not exceeding the amount severally subscribed by them, payable at such times as the directors shall determine, and to enforce the collection thereof, either by suit or forfeiture; Levy assessments.

To cause to be prepared a plan or design for laying out such lands so purchased by them for cemetery purposes; and when such plan or design is adopted by them, it shall be their duty to cause the same to be recorded in a book to be kept by them for that purpose; and it shall not thereafter be altered or modified, unless by a two-thirds vote of all the directors, after a special notice of such proposed change shall have been given, and after said proposition shall have been submitted in writing to the board at a meeting thereof, to be held prior to the one at which the vote upon such proposed change shall be taken: *Provided*, That no such alteration shall be made which shall interfere with rights of burial already granted; Cause plans to be made.

To dispose of rights of burial, fix the prices thereof, make conditions in relation to burials within the cemetery grounds, and guaranty to grantees of burial rights the care and preservation of the grounds; Dispose of rights of burial.

To establish such rules and regulations for the control and management of the grounds, and all matters and things incident thereto, as they shall deem for the best interests of the corporation; Establish rules.

To sell any part or portion of the lands owned by such corporation, in case the same shall not be occupied or required for burial purposes, or for the uses of such cemetery; Dispose of lands

To invest the moneys received from the sale of burial rights, and to prescribe, from time to time, the interest or dividends which Investments received.

shall be paid to holders of the scrip of such corporation, subject to the restrictions hereinafter named.

Further duties
of board of di-
rectors.

(3414.) SEC. 7. It shall be the duty of such board of directors to preserve good order in the grounds of such cemetery; to provide for the laying out and embellishing of the same, and to see that they are well kept and in good condition;

To apply two-
thirds of receipts
for improve-
ments.

When the payments for land purchased shall have been fully made, to reserve at least two-thirds of all the receipts of such corporation which shall be derived from the sale of burial rights, after the payment of the current expenses, for interest, improvements, and embellishing, until the aggregate amount thereof shall, in the opinion of said board, be sufficient to constitute a permanent fund, which, when invested, shall produce an income large enough to meet the expense of keeping the grounds of such cemetery perpetually in good condition, after the same shall have once been properly laid out, improved, and embellished, according to the plan thereof;

To invest re-
ceipts.

To invest the receipts, to be reserved as aforesaid, in the bonds of the United States, or of the State of Michigan, or of municipal corporations of this State, and to use the income thereof only for the purposes aforesaid;

Issue scrip.

To cause to be issued scrip, or certificates, to each subscriber to the articles of the association, which certificates shall specify the amount paid in to the capital stock by such subscriber. Such scrip shall be personal property, and transferable by the holder thereof, under such regulations as the board of directors may adopt: *Provided*, That no person shall hold, own, or represent, at any one time, the scrip of said association to exceed one-tenth of the capital thereof;

Proviso.

Make annual
report.

To make a report to the annual meeting of the condition of the association, and its receipts and disbursements for the previous year.

Lands exempt
from taxation.

(3415.) SEC. 8. All the lands of said corporation inclosed and set apart for cemetery purposes, and all rights of burial therein, shall be wholly exempt from taxation of any kind whatsoever.

No mortgage
shall be executed
upon lands.

(3416.) SEC. 9. No mortgage, or other lien or incumbrance, shall be executed upon any of the lands of such corporation actually used for burial purposes, and no rights of burial upon any mortgaged lands of such corporation shall at any time be granted or sold by it.

Streets, etc.,
shall not be
opened without
assent of board.

(3417.) SEC. 10. No streets, highways, railways, sewers, or canals shall be opened or constructed through the grounds of such cor-

poration, without the assent of the board of directors, granted at a meeting of such board called for the purpose of considering the propriety of granting such assent.

(3418.) SEC. 11. After any such corporation shall have been formed, and their cemetery site shall have been purchased, no saloon or place of entertainment shall thereafter be set up or established for the sale of intoxicating drinks, and no sporting festival shall be held, within one-fourth of a mile of the entrance to the grounds of such corporation.

Saloons, etc., prohibited.

(3419.) SEC. 12. All grants of rights of burial made by such corporation shall be transferable only upon compliance with such conditions in reference thereto, as shall be prescribed by the board of directors.

Board of directors to prescribe terms of transfer of rights

(3420.) SEC. 13. The superintendent, landscape gardener, overseer, and watchman, in any cemetery belonging to any corporation formed under this act, shall have the power to summarily arrest any person or persons who shall commit any crime, misdemeanor, or depredation, or be guilty of any disorderly conduct, upon the grounds of such corporation. Upon any arrest being made by any of said officers or employes of such corporation, it shall be the duty of the one making such arrest to convey the arrested party to a justice of the peace, or other magistrate of the town in which such cemetery is situated, and make complaint to such magistrate, under oath, as to the nature of the offense committed; and thereupon, if the offense charged is cognizable by a justice of the peace, under the general laws of the State, such justice or other magistrate shall try such person charged with committing said offense; and upon the conviction of such person, shall render judgment, and inflict such punishment upon such offender, either by fine or imprisonment, or both, as the nature of the case may require, together with the costs of prosecution, as the justice of the peace shall order; but such punishment shall, in no case, exceed the limits fixed by law for the offense charged. In case the offense charged shall not be cognizable by a justice of the peace, under the general laws of this State, then such justice or other magistrate shall examine the accused person, and the proceedings upon such examination shall be such as are prescribed by chapter one hundred and ninety-four of the Compiled Laws of this State.

Powers of superintendent, gardener, overseer, and watchman to make arrests.

Offender to be conveyed before a justice for trial

Punishment.

Proceeding when offense is not cognizable by such justice.

(3421.) SEC. 14. No person shall use fire-arms upon the grounds of any cemetery owned and inclosed by any such corporation, nor hunt game therein. No person shall enter into such inclosed cemetery by climbing or leaping over or through any fence or wall

Use of fire-arms prohibited.

around the same, nor direct or cause any animal to enter therein in any such manner. Any person offending against any of the provisions of this section shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding three months, or by both, in the discretion of the court. All complaints for violating the above provisions shall be cognizable by any justice of the peace of the town in which the offense is committed.

Penalty for violating this act.

Complaints; by whom cognizable.

Acts repealed.

(3422.) SEC. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 16. This act shall take immediate effect.

VACATING OF CEMETERIES.

An Act to provide for vacating cemetery plats and cemetery grounds in the limits of incorporated cities and villages.

[Approved April 15, 1871. Laws of 1871, p. 249.]

Circuit court in chancery may vacate cemeteries.

(3423.) SECTION 1. *The People of the State of Michigan enact,* That whenever the trustees of any incorporated village, or the common council of any city, shall, by resolution adopted by them, determine that the dead bodies buried in any public cemetery located in such city or village should be removed therefrom, for the reason that such cemetery shall have become commons, or shall impede the growth of any such city or village, or shall endanger the health of the people living in the immediate vicinity thereof, the circuit court in chancery of the county in which such cemetery is located is hereby authorized to vacate the same, or any part thereof, on petition made to such court as hereinafter provided.

Petition for vacating.

(3424.) SEC. 2. That such petition shall be made in behalf of said trustees or common council, by an attorney or agent appointed by them for that purpose, who shall file a petition, signed and sworn to by him, in the office of the register of said court for the proper county, which petition shall set forth his authority as attorney or agent, the particular reasons for making and filing such petition, and a distinct description of the premises on which such cemetery is located, which petition shall be filed, as aforesaid, thirty days previous to the first day of the term for which such petition shall be noticed for hearing. That notice of the pendency and hearing of such petition shall be given for the same space of time, by publishing the same in a newspaper, published in the proper county, once in each week for four successive weeks prior to the first day of the term when such case is noticed for hearing.

Notice of hearing.

(3425.) SEC. 3. That the hearing of such petition may be continued from term to term, in the discretion of the court, without further notice; that all testimony may be taken in open court, or the taking of the same may be referred, in the discretion of the court, to a circuit court commissioner of the proper county; that, under direction of the court, proper issues may be made for the determination of all questions of law and fact, and all questions of compensation to any person or persons to be affected by such proceedings; and all issues of fact may be tried by a jury if the court shall so order; and any person adversely interested may cause himself to be made defendant to such petition. In all cases where reference shall be made to a jury to determine the compensation to be paid to any person or persons as aforesaid, the proceedings upon such reference shall, so far as practicable, be like those had in cases where a jury is empaneled to ascertain and determine the necessity of taking lands, franchises, and other property for the construction of railroads, and to appraise the damages and compensation to be allowed therefor. If upon the hearing of such petition the petitioner shall produce satisfactory evidence to the court that said trustees or common council have determined as aforesaid, that the notice required by this act has been given, and that such cemetery should be vacated, in whole or in part, as a place of burial, for any of the reasons given in this act for vacating cemeteries, such court shall thereupon order that such cemetery shall be vacated, in whole or in part, as a place of burial. That a copy of such order, certified by the register of such court under his seal, shall be recorded by the petitioner in the office of the register of deeds of the proper county.

Court may continue hearing and refer taking testimony to a circuit court commissioner.

Jury.
Defendant.
Damages.

Order for vacating.

(3426.) SEC. 4. That when any cemetery shall be vacated as provided in this act, the said trustees or common council shall cause all the dead bodies and remains buried in such cemetery to be re-interred in the cemetery of such city or village, if they have one, and if not, then in some suitable cemetery not more than six miles from the nearest corporate limits of said city or village, in a prudent, careful, and respectful manner, and shall cause to be removed and again erected over the proper remains, all permanent fences around graves and lots, all tombstones and monuments, with as little injury as the case will admit: *Provided*, That no removal of said bodies and remains shall be made during the months of June, July, August, or September. Such removal, and the costs of the proceedings under this act, shall be at the expense of and paid by the city or village in which such cemetery is located.

Re-interment.

Proviso.

Expenses.

Price of lots repaid.

(3427.) SEC. 5. In all cases where the title to the land vacated shall revert to such city or village, such city or village shall, on demand, and upon the conveyance of said lot (where conveyance may be necessary) to said city or village, repay to any owner the price he may have paid for his lot.

CHAPTER CXXX.

GENERAL PROVISIONS RELATING TO CORPORATIONS.

Chapter fifty-five of Revised Statutes of 1846.

Corporations may sue and be sued, elect officers, and make by-laws.

(3428.) SECTION 1. All corporations shall, when no other provision is specially made, be capable, in their corporate name, to sue and be sued, appear, prosecute, and defend all actions and causes to final judgment and execution in any courts or elsewhere; to have a common seal, which they may alter at pleasure; to elect, in such manner as they shall determine to be proper, all necessary officers, and to fix their compensation and define their duties and obligations; and to make by-laws and regulations, consistent with the laws of the State, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

Nature of by-laws.

(3429.) SEC. 2. All corporations may, by their by-laws, where no other provision is specially made, determine the manner of calling and conducting their meetings, the number of members that shall constitute a quorum, the number of shares that shall entitle the members respectively to one or more votes; the mode of voting by proxy, the mode of selling shares for the non-payment of assessments, and the tenure of office of the several officers; and they may prescribe suitable penalties for the violation of their by-laws,

not exceeding in any case twenty dollars for any one offense; but no such by-laws shall be made by any corporation, repugnant to the provisions of its charter.

(3430.) SEC. 3. The first meetings of all corporations, unless otherwise provided for in the acts under which they are incorporated, or in their articles of association, shall be called by a notice, signed by one or more of the members or persons associating to form the corporation, setting forth the time, place, and purpose of the meeting; and such notice shall, at least twenty days before the meeting, be delivered to each member, or published in some newspaper of the county where the corporation shall be established, or if no newspaper be published in the county, then in a newspaper published in an adjoining county or in the city of Detroit.¹

Notice of first meeting of corporations.

When delivered or published.

(3431.) SEC. 4. Whenever, by reason of the death, absence, or other legal impediment of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any justice of the peace of the county where such corporation is established may, on a written application of three or more of the members thereof, issue a warrant to either of the said members, directing him to call a meeting of the corporation, by giving such notice as shall have been previously required by law; and the justice may, in the same warrant, direct such person to preside at such meeting until a clerk shall be duly chosen and qualified, if there shall be no other officer present legally authorized to preside thereat.

(3432.) SEC. 5. When all the members of a corporation shall be present at any meeting, however called or notified, and shall sign a written consent thereto on the record of such meeting, the doings of such meeting shall be as valid as if legally called and notified.

When notice unnecessary.

(3433.) SEC. 6. The members of such corporation, when so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the corporation.

Members may fill vacancies, etc

(3434.) SEC. 7. Every such corporation may hold land to an amount authorized by law, and may convey the same, and may receive subscriptions to its capital stock in lands situate in the State of Michigan, or may receive donations of land situate in the State of Michigan, to assist or enable such corporation to perform or complete any work of public improvement in which such company may be engaged in pursuance of its charter, and may sell and

Corporate rights 17 Mich. 141.

¹ As amended by Act 50 of the Laws of 1867, p. 69, approved and took effect March 18, 1867.

How stock may
be transferred.

convey the same; and whenever the capital stock of any such corporation is divided into shares, and certificates thereof are issued, such shares may be transferred by indorsement and delivery of the certificates thereof, such indorsement being by the signature of the proprietor, or his attorney or legal representative; but such transfer shall not be valid, except between the parties thereto, until the same shall have been so entered on the books of the corporation as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer.

May amend arti-
cles of associ-
ation.

And such corporation may at any time amend its articles of association by filing amended articles of association in the office of the Secretary of State, which said amended articles of association shall be made in all respects consistent with the provisions of the act or acts under which such corporation may be organized, and shall be executed by said corporation under its corporate seal, and by stockholders of said corporation owning at least a majority of all the capital stock of said corporation, under their seals, and duly acknowledged.¹

Corporation to
continue three
years after dis-
solution, for cer-
tain purposes.
18 Mich. 388.

(3435.) SEC. 8. All corporations whose charters shall expire by their own limitation, or shall be annulled by forfeiture or otherwise, shall nevertheless continue to be bodies corporate, for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock; but not for the purpose of continuing the business for which such corporations have been or may be established.

When franchise,
etc., may be sold
on execution.
8 Mich. 91.

(3436.) SEC. 9. When any judgment shall be recovered against any turnpike or other corporation, authorized to receive toll, the franchise of such corporation, with all the rights and privileges thereof, together with all their corporate property, both real and personal, may be taken on execution, and sold at public auction.

Notice of sale
on execution.

(3437.) SEC. 10. The officer having such execution against any corporation mentioned in the preceding section, shall, thirty days at least before the day of sale of the franchise or other corporate personal property, give notice of the time and place of sale, by posting up a notice thereof in any township in which the clerk, treasurer, or any one of the directors of such corporation may dwell, and also by causing an advertisement of the sale, expressing the name of the creditor, the amount of the execution,

¹ As amended by Act 86 of the Laws of 1871, p. 113, approved and took effect April 6, 1871.

and the time and place of sale, to be inserted three weeks successively in some newspaper published in any county in which either of the aforesaid officers may dwell, if any such there be, and if no newspaper be published in any such county, then in the State paper.

(3438.) SEC. 11. The officer who may levy any execution, as prescribed in the preceding section, may adjourn the sale from time to time as may be necessary, until the sale shall be completed.

Adjournment of sale.

(3439.) SEC. 12. In the sale of the franchise of any corporation, the person who shall satisfy the execution, with all legal fees and expenses thereon, and shall agree to take such franchise for the shortest period of time, and to receive during that time all such toll as the said corporation would by law be entitled to demand, shall be considered as the highest bidder.

Who considered highest bidder.
§ Mich. 91.

(3440.) SEC. 13. The officer's return on such execution shall transfer to the purchaser all the privileges and immunities which by law belonged to such corporation, so far as relates to the right of demanding toll; and the officer shall, immediately after such sale, deliver to the purchaser possession of all the toll-houses and gates belonging to such corporation, in whatever county the same may be situated; and the purchaser may thereupon demand and receive all the toll which may accrue during the time limited by the terms of his purchase, in the same manner, and under the same regulations, as such corporation was before authorized to demand and receive the same.

Officer's return, and rights of purchasers.

(3441.) SEC. 14. Any person who may have purchased, or shall hereafter purchase under the provisions of this chapter, the franchise of any turnpike or other corporation, and the assignees of such purchaser, may recover, in an action on the case, any penalties imposed by law for an injury to the franchise, or for any other cause, and which such corporation would have been entitled to recover during the time limited in the said purchase of the franchise; and during that time the corporation shall not be entitled to prosecute for such penalties.

Purchaser may recover penalties which corporation might have recovered.

(3442.) SEC. 15. The corporation whose franchise shall have been sold as aforesaid shall, in all other respects, retain the same powers, and be bound to the discharge of the same duties, and liable to the same penalties and forfeitures, as before such sale.

Powers and duties of corporation after sale of franchise.

(3443.) SEC. 16. Such corporation may, at any time within three months after such sale, redeem the franchise, by paying or tendering to the purchaser thereof the sum that he shall have paid therefor, with ten per cent interest thereon, but without any allowance

Franchise, how redeemed.

for the toll which he may have received; and upon such payment or tender, the said franchise, and all the rights and privileges thereof, shall revert and belong to said corporation, as if no such sale had been made.

How damages may be recovered in certain cases.

(3444.) SEC. 17. Whenever any damages may have been or may hereafter be assessed in favor of any person, for any injury sustained in his property by the doings of any such turnpike or other corporation authorized to receive toll or pay for the transportation of persons or property, and the said damages shall remain unpaid for the space of thirty days after such assessment, such person may have a warrant of distress against such corporation, for the damages assessed, together with interest thereon, and his reasonable costs and the same proceedings shall be had thereon, and with the same effect, as upon an execution issued upon a judgment against such corporation.

Where proceedings on execution, etc., may be had.

(3445.) SEC. 18. All the proceedings aforesaid respecting the levy of executions and warrants of distress may be had in any county in which either the creditor, or the president, or any director, or the treasurer, or clerk of the corporation may reside, or in which such corporation has personal or real estate.

When contribution may be enforced in chancery.
6 Mich. 441.

(3446.) SEC. 19. When the officers or members of a corporation, or any of them, are liable for any debts of the corporation, or for any acts of such officers or members respecting the business of the corporation, and also when any of the said officers or members shall be liable to contribute for money paid by any other or others of them, on account of any such debts or acts, the money may be recovered by a bill in chancery; and the said court may make all such orders and decrees therein as may be necessary to do justice between the parties.

What acts of incorporation may be altered or repealed.

(3447.) SEC. 20. Every act of incorporation passed since the twentieth day of April, in the year one thousand eight hundred and thirty-nine, or which shall be hereafter passed, shall, at any time, be subject to amendment, alteration, or repeal, at the pleasure of the Legislature: *Provided*, That no act of incorporation shall be repealed, unless for some violation of its charter or other default, when such charter shall contain an express provision limiting the duration of the same.

Proviso.

1889, p. 218, Sec. 11.

Returns to supervisors.

(3448.) SEC. 21. It shall be the duty of the clerk of every corporation within this State, whose capital stock is or shall be subject to taxation for county or township purposes, and if there be no such clerk, then of the directors of such corporation, annually, between the fifteenth day of March and the first day of April, to

make returns, in person or by mail, to the supervisor of each township and the assessors of each ward or district in any city in this State in which any shareholder in such corporation shall reside; which return shall state the name of each owner residing in such township or city, the number of shares belonging to each on the fifteenth day of March of that year, and the par value of such shares.

(3449.) SEC. 22. If any clerk or director mentioned in the preceding section shall refuse or neglect to make such return, or shall willfully make a false return, he shall forfeit the sum of fifty dollars.

Forfeiture for neglect.

(3450.) SEC. 23. If any shareholder shall fraudulently transfer any share in either of the corporations mentioned in the twenty-first section of this chapter, for the purpose of avoiding taxation, he shall forfeit a sum equal to one-half the par value of the shares so transferred.

Forfeiture for transferring shares fraudulently.

(3451.) SEC. 24. The cashier of each bank, and the secretary or clerk of each incorporated railroad, canal, or turnpike company, shall, on the first Monday of October in each year, or within fifteen days previous thereto, make a return to the State Treasurer, verified by his oath, stating the amount of capital stock of such bank, or railroad, canal, or turnpike company, then actually paid in, and in default thereof, the whole capital stock mentioned in the act of incorporation of such bank or company shall, for the purpose of computing the State tax payable by such bank or company, be deemed to have been paid in.

Returns to State Treasurer.

(3452.) SEC. 25. It shall be the duty of the Attorney General, whenever and as often as shall be required by the Governor, to examine into the affairs and condition of any bank or banks or other corporations in this State, and report such examination in writing, together with a detailed statement of facts, to the Governor, who shall lay the same before the Legislature; and for that purpose the said Attorney General shall have power to administer all necessary oaths to the directors and officers of any such bank or other corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the vaults, books, papers, and documents belonging to such bank, or pertaining to its affairs and condition; and the Legislature, or either branch thereof, shall have full power to examine into the affairs and condition of any bank or other corporation in this State at all times; and for that purpose, any committee appointed by the Legislature, or either branch thereof, shall have full power to administer all necessary

Examination of banks and other corporations.

oaths to the directors, officers, and stockholders of such bank or other corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the vaults, safes, books, papers, and documents belonging to such corporation, or pertaining to its affairs and condition, and to compel the production of all keys, books, papers, and documents, by summary process to be issued on application to any court of record, or any judge thereof, under such rules and regulations as the said court may prescribe.

An Act to provide for notice of application for alterations and amendments of the charters of corporations.

[Approved April 7, 1851. Took effect July 8, 1851. Laws of 1851, p. 153.]

Notice of application for alteration or amendment of charters; how given

Constitution, Art. 15, Sec. 16.

Where notice to be published.

(3453.) SECTION 1. *The People of the State of Michigan enact,* That after the session of the Legislature for the year eighteen hundred and fifty-one, previous notice of any application to the Legislature for an alteration of the charter of any corporation shall be given in the manner hereinafter provided. When the application is made by or on behalf of the corporation, such notice shall be given and signed by the mayor, president, cashier, secretary, or other principal officer, or a majority of the directors, aldermen, or trustees; and when made by or on behalf of one or more individuals, then by the person or persons making the same; and all such notices shall set forth briefly the nature of the alteration applied for.

(3454.) SEC. 2. If the business of such corporation shall be local in its character, and confined to one of the counties of this State, other than those of the Upper Peninsula, such notice shall be published in some weekly newspaper published in such county, or if none in the county, then in one published nearest thereto, for at least four successive weeks; the first publication whereof shall be at least thirty days prior to the making of such application. If the business of such corporation shall not be local in its character, or if the business authorized by the charter shall be confined chiefly to the Upper Peninsula, then such notice shall be published once in each week for four successive weeks, in some paper published in the city of Detroit; the first publication whereof shall be at least thirty days prior to the making of such application. And if the applicant or applicants shall not be able to get such notice published in such paper as in this section mentioned, after having tendered to the publishers thereof a reasonable compensation therefor,

then such notice may be filed in the office of the county clerk of the county where the principal business office of such corporation may be located, and a duplicate thereof in the office of the Secretary of State, at least thirty days prior to such application; and such filing shall be deemed a sufficient publication thereof; and proof of the publication or filing of such notice as in this section mentioned, by affidavit of the publisher, or the certificate of the Secretary of State, shall accompany every application in this section mentioned.

(3455.) SEC. 3. Nothing in this act contained shall prevent any corporation, or any individual, from applying to the Legislature for an amendment of any act of incorporation without such notice as above provided, if the amendment applied for be shown to be necessary to provide for any accident, or to remedy any defect which may have occurred within the period herein above required for the giving of such notice; nor shall this act prevent the Legislature without such notice from amending any charter of a municipal corporation in any particular which they may deem necessary for the public interest; and in either of the cases in this section mentioned, one day's previous notice in either house, by a member thereof, shall be deemed sufficient.

When application may be made without previous notice.

An Act to authorize manufacturing companies to amend their articles of association.

[Approved February 5, 1864. Laws of 1864, p. 109.]

(3456.) SECTION 1. *The People of the State of Michigan enact*, That any corporation organized under the laws of this State, for the purpose of carrying on any kind of manufacturing business within this State, may at any time alter and amend its articles of association, upon a vote of two-thirds in value of its stockholders, at any meeting thereof, as to the statement of the place in this State where its office for the transaction of business is located, and the county or counties in which its business is to be carried on.

Amendment of articles of association authorized.

(3457.) SEC. 2. Whenever any such corporation shall have determined, by such vote, to alter or amend its articles, it may make articles amendatory of its original articles, which shall be signed by at least two-thirds in value of its stockholders, and certified, under the seal of the corporation, to have been made upon the vote and signed by two-thirds of the stockholders in value; and when so signed and certified, and filed and recorded in the office of the Secretary of State, and the clerk of the county or counties in which such corporation shall conduct its business, such amended articles

Amended articles, how executed.

Where filed.

Effect of. shall have the same force and effect as though the amendments or alterations had been included in and made a part of and embraced in the original articles of association ; and a copy of any original or amended articles of association of such corporation, filed and recorded pursuant to law, and certified by the Secretary of State, or clerk of the proper county, under his hand and official seal, to be a copy, shall in all courts and places be presumptive evidence of the incorporation of such company and of all the facts therein stated.

Certified copy
evidence of in-
corporation.

SEC. 3. This act shall take immediate effect.

An Act requiring corporations doing business in this State, whose principal offices are out of the State, to keep a list of their stockholders and a transfer book within this State.

[Approved March 30, 1869. *Laws of 1869, p. 154.*]

What corpora-
tions to keep
list of stock-
holders and a
stock transfer
book at office in
this State.

(3458.) SECTION 1. *The People of the State of Michigan enact,* That all corporations formed under the laws of this State, and holding property herein, and whose principal office for the transaction of business shall be located without the limits of this State, except corporations engaged in mining for iron, copper, mineral coal, silver, or other ores or minerals in the Upper Peninsula, are hereby required, when such corporations have branch offices in this State, to keep a list of all the stockholders of such corporation, and a transfer book of the stock thereof, at their agency, and if they shall have more than one, then at some one of such agencies, to be designated by the officers of such corporation.¹

Transfer of
stock.

(3459.) SEC. 2. Any person holding stock in any such corporation may have the same transferred upon the books of such agency within this State, upon the same terms, conditions, and restrictions as is provided by law, or the rules of such corporation, for such transfer, at the principal office of such corporation, wherever it may be situated.

An Act to authorize the dissolution of manufacturing companies organized under chapter sixty-three of the Compiled Laws and the acts amendatory thereof, in certain cases, and for the distribution of the assets thereof among the stockholders thereof.

[Approved April 15, 1871. *Laws of 1871, p. 253.*]

Conditions
precedent to dis-
solution.

(3460.) SECTION 1. *The People of the State of Michigan enact,* Where any corporation or company which shall have been organ-

¹ As amended by Act 146 of the Laws of 1860, p. 260, approved and took effect April 8, 1860.

ized in this State under chapter sixty-three of the Compiled Laws of the State of Michigan and the acts amendatory thereof, for the purpose of carrying on any kind of manufacturing business, shall not have been engaged in carrying on the business of manufacturing for which it was organized, for a period of two years immediately prior to this act, or who shall hereafter for two successive years not engage in the business of manufacturing for which it was organized, shall, on the sworn petition of any stockholder to the circuit court of the county where said company or corporation is situated or located, and the business of manufacturing has been carried on, on proof of such fact to the court, be dissolved by an order of said court, and the effects and assets belonging to said corporation or company shall be distributed, by an order of said court, among the stockholders, in an equitable manner: *Provided*, The provisions of this act shall in no case apply to corporations or companies which are at this time or may hereafter be organized in the Upper Peninsula.

How dissolved.

Assets distributed.

Proviso.

(3461.) SEC. 2. That upon said petition being filed by any stockholder, the said court, or the circuit judge thereof, shall make such order for the appearance of the persons interested in the said company or corporation as shall be just and proper; but such order shall be for their appearance at a time not less than twenty nor more than thirty days prior to service of a copy of such order, if such persons can be found, and if not, then within twenty days after said order shall have been first published in some newspaper in said county, for four weeks.

Order for appearance of persons interested.

Service of order.

(3462.) SEC. 3. When it becomes necessary to publish said order as aforesaid, and the parties for whom publication became necessary do not appear within the said twenty days after publication, then upon due proof of publication of said notice and appearance of said petitioner or petitioners, their appearance may be entered and the cause proceed as though personal service had been had.

Proceedings when parties do not appear.

(3463.) SEC. 4. When the appearance of all the parties interested shall have been entered and the notice published as aforesaid, the said court shall make such order as to the proofs in the case as shall be just and proper, and shall receive such proof and hear and determine said cause with as great dispatch as possible.

Court shall hear and determine the case.

(3464.) SEC. 5. The said court shall make such rules and regulations in the carrying out of this act as shall be just and proper, and that shall not have been hereinbefore provided for.

Court shall make necessary rules, etc.

(3465.) SEC. 6. If, in the trial of said cause, it shall be shown that the said company or corporation has not been engaged in the

Order for dissolution.

business of manufacturing for two years, as aforesaid, the court shall make an order that the company or corporation shall be dissolved and the proceeds thereof equitably divided among the stockholders thereof.

Manner of prosecution.

(3466.) SEC. 7. Upon the filing of a petition by a stockholder, the case may be prosecuted by him, and the court or the judge thereof shall forthwith make an order directing the manner in which the case shall be prosecuted by the petitioner; and the petitioners shall cause notice of the pendency of the petition in some paper published in the county where such companies were located, once in each week for six successive weeks.

Notice of pendency of petition.

Dissolution not granted until debts are paid.

(3467.) SEC. 8. Any creditor of said company may enter his or her appearance in the case, and on showing to the satisfaction of the court the fact of said indebtedness, the court shall not grant the petition until the debts are paid: *Provided*, That the provisions of this act shall not apply to any company engaged in the manufacture of butter or cheese.

Proviso.

TITLE XIX.

PUBLIC INSTRUCTION.

- CHAPTER CXXXI. The Superintendent of Public Instruction.
- CHAPTER CXXXII. The University and its branches.
- CHAPTER CXXXIII. The State Normal School.
- CHAPTER CXXXIV. The State Agricultural College.
- CHAPTER CXXXV. Mining school in the Upper Peninsula.
- CHAPTER CXXXVI. Primary schools.
- CHAPTER CXXXVII. Graded and high schools.
- CHAPTER CXXXVIII. School district libraries.
- CHAPTER CXXXIX. County Superintendents of Schools.
- CHAPTER CXL. State Public School for Dependent and Neglected Children.
- CHAPTER CXLI. Reports from incorporated academies and other literary institutions.
- CHAPTER CXLII. Teachers' institutes.

CHAPTER CXXXI.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

An Act prescribing the duties of the Superintendent of Public Instruction, and to repeal chapter fifty-six of the Revised Statutes of eighteen hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty.

[Approved April 4, 1851. Took effect July 8, 1851. Laws of 1851, p. 116.]

(3468.) SECTION 1. The Superintendent of Public Instruction shall have general supervision of public instruction, and of the State Reform School, and it shall be his duty, among other things,

Report of
Superintendent
of Public In-
struction.

to prepare annually, and transmit to the Governor, to be by him transmitted to the Legislature at each biennial session thereof, a report, containing—

Contents of.

First. A statement of the condition of the University, of all incorporate literary institutions, and of the primary schools;

Second. Estimates and amounts of expenditures of the school moneys;

Third. Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if, in his opinion, the same be required;

Fourth. The condition of the Normal School;

Fifth. The annual report and accompanying documents, as far as he shall deem the same of sufficient public interest, of the board of control of the State Reform School;

Sixth. All such other matter relating to his office, and the subject of education generally, as he shall deem expedient to communicate.¹

Report to embody abstracts of reports of inspectors.

(3469.) SEC. 2. He shall make all necessary abstracts of the reports of school inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

To prepare forms, regulations, etc., for school officers.

(3470.) SEC. 3. He shall prepare and cause to be printed, with the laws relating to primary schools, all necessary forms, regulations, and instruments for conducting all proceedings under said laws, and transmit the same, with such instructions relative to the organization and government of such schools, and the course of studies to be pursued therein, as he may deem advisable, to the several officers intrusted with their care and management.

Forms, etc., to be printed in pamphlet form.

(3471.) SEC. 4. School laws, forms, regulations, and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto a list of such books as the superintendent shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

Apportionment of primary school fund.

(3472.) SEC. 5. He shall annually, on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the ages of five and twenty years, as the same shall appear by the reports of the several township inspectors of primary schools, made to him for the year last closed.²

¹ As amended by Act 174 of the Laws of 1868, p. 819, approved March 20, 1868.

² As amended by Act 176 of the Laws of 1861, p. 264, approved March 15, 1861.

(3473.) SEC. 6. He shall prepare, annually, a statement of the amount in the aggregate payable to each county in the State from the income of the primary school fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county for the amount payable to such county.

To furnish Auditor General with annual statement of the amount payable to each county.

(3474.) SEC. 7. He shall also send written notices to the clerks of the several counties, of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships therein respectively; which notice shall be disposed of as directed by an act entitled "An act to amend chapter fifty-eight of the Revised Statutes of one thousand eight hundred and forty-six," approved March twenty-eight, one thousand eight hundred and fifty.

Notice to county clerk of amount to be disbursed in each county.

Chap. 78, Sec. (2855.)

(3475.) SEC. 8. Whenever the returns from any county, township, or city, upon which a statement of the amount to be disbursed or paid to any such county, township, or city, shall be so far defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township, or city, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

Rates of apportionment, how ascertained when reports defective.

(3476.) SEC. 9. Whenever, by accident, mistake, or any other cause, the returns from any county, township, or city, upon which a statement of the amount to be disbursed to any such county, township, or city, shall not contain the whole number of scholars in such county, township, or city, entitled to draw money from said fund, by which any such county, township, or city shall fail to have apportioned to it the amount to which it shall justly be entitled, the superintendent, on receiving satisfactory proof thereof, shall apportion such deficiency to such county, township, or city, in his next annual apportionment.¹

When deficiency may be apportioned the next year.

(3477.) SEC. 10. Upon all sums paid into the State Treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the treasurer shall compute interest from the time of such payment, or from the time of the last computation of interest thereon, to the first Monday of April in each and every year, and shall give credit therefor to each and every school fund, as the case may be; and such interest shall be paid out of the general fund.

Interest on educational fund, how computed and how paid.

¹As amended by Act 176 of the Laws of 1861, p. 284, approved March 15, 1861.

Superintendent at the expiration of term to deliver to successor books, papers, etc.

(3478.) SEC. 11. The superintendent shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

Certain enactments repealed. R. S. of 1846, Chap. 56. 1850, p. 181.

(3479.) SEC. 12. Chapter fifty-six of the Revised Statutes of one thousand eight hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty, are hereby repealed.

An Act authorizing the Superintendent of Public Instruction to appoint a deputy.

[Approved February 3, 1859. Laws of 1859, p. 41.]

Appointment of deputy authorized.

(3480.) SECTION 1. *The People of the State of Michigan enact,* That the Superintendent of Public Instruction be and hereby is authorized to appoint a deputy, and to revoke such appointment at pleasure, which deputy may execute the duties of the office in case of a vacancy or the necessary absence of the superintendent.

SEC. 2.¹

SEC. 3. This act shall take immediate effect.

¹ Repealed by Act 121 of the Laws of 1867, p. 162, and salary increased to one thousand dollars.

CHAPTER CXXXII.

THE UNIVERSITY AND ITS BRANCHES.

An Act to provide for the government of the State University, and to repeal chapter fifty-seven of the Revised Statutes of eighteen hundred and forty-six.

[Approved April 8, 1851. Took effect July 8, 1851. Laws of 1851, p. 205.]

(3481.) SECTION 1. *The People of the State of Michigan enact,* University continued.
That the institution established in this State, and known as the University of Michigan, is continued under the name and style heretofore used.

(3482.) SEC. 2. The University shall provide the inhabitants of its objects.
this State with the means of acquiring a thorough knowledge of the various branches of literature, science, and arts.

(3483.) SEC. 3. The government of the University is vested in Government vested in Board of Regents.
the Board of Regents.

(3484.) SEC. 4. The Board of Regents shall constitute the body Regents to be a body corporate.
corporate, with the right, as such, of suing and being sued, of making and using a common seal, and altering the same.

(3485.) SEC. 5. The Regents shall have power to enact ordinances, by-laws, and regulations for the government of the University; to elect a president, to fix, increase, and reduce the regular number of professors and tutors, and to appoint the same, and to determine the amount of their salaries: *Provided, That there shall* Regents to make by-laws, etc., elect president, professors, etc., and fix salaries. 18 Mich. 469.

always be at least one professor of homeopathy in the department of medicine.¹

May remove president, professors, etc.

(3486.) SEC. 6. They shall have power to remove the president, and any professor or tutor, when the interest of the University shall require it.

May appoint other officers, and prescribe their compensation.

(3487.) SEC. 7. They shall have power to appoint a secretary, librarian, treasurer, steward, and such other officers as the interests of the institution may require, who shall hold their offices at the pleasure of the Board, and receive such compensation as the Board may prescribe.

Of what departments University to consist.

(3488.) SEC. 8. The University shall consist of at least three departments—

First. A department of literature, science, and the arts;

Second. A department of law;

Third. A department of medicine;

Fourth. Such other departments may be added as the Regents shall deem necessary and the state of the University fund shall allow.

Regents to prescribe course of study for students who do not desire to pursue collegiate course.

(3489.) SEC. 9. The Regents shall provide for the arrangement and selection of a course or courses of study in the University, for such students as may not desire to pursue the usual collegiate course in the department of literature, science, and the arts, embracing the ancient languages, and to provide for the admission of such students without previous examination as to their attainments in said languages, and for granting such certificates at the expiration of such course or term of such students, as may be appropriate to their respective attainments.

To make provision for meteorological tables. 17 Mich. 161.

(3490.) SEC. 10. The Regents shall make provision for keeping a set of meteorological tables at the University, after the forms adopted and furnished by the Smithsonian Institution, the record of which shall be transmitted with their report to the Superintendent of Public Instruction, who shall embody the same in his report.

General direction of institutions.

(3491.) SEC. 11. The immediate government of the several departments shall be intrusted to the president and the respective faculties; but the Regents shall have power to regulate the course of instruction, and prescribe, under the advice of the professorship, the books and authorities to be used in the several departments; and also to confer such degrees and grant such diplomas as are usually conferred and granted by other similar institutions.

¹ As amended by "An act to amend an act entitled 'An act to provide for the government of the State University, and to repeal chapter fifty-seven of the Revised Statutes of eighteen hundred and forty-six,' approved April eighth, eighteen hundred and fifty-one," approved February 19, 1855. Laws of 1855, p. 282.

(3492.) SEC. 12. The fee of admission to the regular University course in the department of literature, science, and the arts, shall not exceed ten dollars, but such course or courses of instruction as may be arranged under the provisions of section nine of this act, shall be open without fee to the citizens of this State.

Admission fees.

What students admitted without fee.

(3493.) SEC. 13. The University shall be open to all persons resident of this State, without charge of tuition, under the regulations prescribed by the Regents; and to all other persons under such regulations and restrictions as the Board may prescribe.

University to be open to citizens of the State without charge.

(3494.) SEC. 14. The moneys received from such source shall be paid to the treasurer, and so much thereof as shall be necessary for the purpose, shall be expended by the Regents in keeping the University buildings in good condition and repair, and the balance shall be appropriated for the increase of the library.

Moneys to whom paid, and how applied.

(3495.) SEC. 15. The Board of Regents shall make an exhibit of the affairs of the University in each year to the Superintendent of Public Instruction, setting forth the condition of the University and its branches; the amount of receipts and expenditures; the number of professors, tutors, and other officers, and the compensation of each; the number of students in the several departments, and in the different classes; the books of instruction used; an estimate of the expenses for the ensuing year, together with such other information and suggestions as they may deem important, or the Superintendent of Public Instruction may require, to embody in his report.¹

Board of Regents to make an exhibit of affairs of University.

(3496.) SEC. 16. From the increase arising from the interest of the University fund, the Board of Regents may erect, from time to time, such buildings as are necessary for the uses of the University, on the grounds set apart for the same; but no such buildings shall be erected until provision shall be made for the payment of the existing indebtedness of the University, nor until one branch of the University shall be established in each judicial circuit of the State.

Buildings may be erected from increase of University fund.

(3397.) SEC. 17. The Board of Regents shall have power to expend so much of the interest arising from the University fund as may be necessary for the improving and ornamenting the University grounds, for the purchase of philosophical, chemical, meteorological, and other apparatus, and to keep the same in good condition.

Interest of fund, how expended.

¹ As amended by Act 219 of the Laws of 1850, p. 768, approved and took effect February 15, 1850.

Board of Regents
may establish
branches.

(3498.) SEC. 18. As soon as the income of the University interest fund will admit, it shall be the duty of the Board of Regents to organize and establish branches of the University, one at least in each judicial circuit or district of the State, and to establish all needful rules and regulations for the government of the same. They shall not give to any such branch the right of conferring degrees, nor appropriate a sum exceeding fifteen hundred dollars in any one year for the support of any such branch.

Ibid

(3499.) SEC. 19. The Regents may establish and organize a branch or branches by the creation of a trusteeship for the local management of the same, or they may in their discretion select for a branch, under the restrictions aforesaid, any chartered literary institution in the State.

Meetings of
board.

(3500.) SEC. 20. The meetings of the Board may be called in such manner as the Regents shall prescribe. Five of them shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Board of visit-
ors may be ap-
pointed.

(3501.) SEC. 21. A board of visitors, to consist of three persons, shall be appointed biennially, at the commencement of the collegiate year, by the Superintendent of Public Instruction. It shall be their duty to make a personal examination into the state and condition of the University in all its departments and branches, once at least in each year, and report the result to the Superintendent, suggesting such improvements as they may deem important; which report shall be embodied into the report of the Superintendent.

Their duties and
report.

Regents and
visitors to be
paid their ex-
penses.

(3502.) SEC. 22. The Regents and visitors of the University shall each receive pay for the actual and necessary expenses incurred by them in the performance of their duties, which shall be paid out of the University interest fund.

Orders on treas-
urer, how signed

(3503.) SEC. 23. All orders on the treasurer shall be signed by the secretary and countersigned by the president.

Repeal of Chap.
57 of Revised
Statutes.

(3504.) SEC. 24. Chapter fifty-seven of the Revised Statutes is hereby repealed.

An Act relative to the department of natural history in the University of Michigan.

[Approved May 11, 1846. *Laws of 1846, p. 199.*]

Department of
natural history
in the Univer-
sity.

(3505.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the various specimens of geology, mineralogy, zoology, botany, and all other specimens pertaining to natural history belonging to the State, and now*

deposited in the University buildings, be and the same are hereby transferred to the Board of Regents of the University of Michigan, to be held by said Board of Regents in trust for the use and benefit of the said University and its branches; and the said Board of Regents are hereby authorized to take, have, and enjoy the right, property, possession, and control thereof, and make such disposition of the said specimens as may be most beneficial for the interests of the University and its branches aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act to extend aid to the University of Michigan.

[Approved March 15, 1867. Laws of 1867, p. 35.]

(3506.) SECTION 1. *The People of the State of Michigan enact,* Appropriation. 19 Mich. 13.
That there shall be appropriated out of the State Treasury for the year eighteen hundred and sixty-nine, and for each year thereafter, for the aid and maintenance of the University of Michigan, the sum of fifteen thousand dollars, to be paid by the State Treasurer to the treasurer of the Board of Regents of the University, in like manner as the interest on the University fund is paid the said treasurer of said Board; and it is also provided that the fund How and to whom paid.
already accumulated under the provisions of act number fifty-nine of the Session Laws of eighteen hundred and sixty-seven, shall in like manner be handed over to the said treasurer of said Board of Regents of the University.¹ Fund already accumulated, to be paid.

(3507.) SEC. 2. The amount of fifteen thousand dollars for the year eighteen hundred and sixty-nine, and each subsequent year thereafter, shall be levied, assessed, and collected, as a special tax to provide for the aid to the University provided in this act, at the same time and in the same manner as other State taxes are levied, assessed, and collected.² Special tax authorized to aid.

¹ As amended by Act 14 of the Laws of 1869, p. 19, approved and took effect February 24, 1869.

² As amended by Act 14 of the Laws of 1869, p. 19, approved and took effect February 24, 1869.

CHAPTER . CXXXIII.

THE STATE NORMAL SCHOOL.

An Act to consolidate and amend the laws relative to the establishment of a State Normal School.

[Approved March 25, 1850. Laws of 1850, p. 123.]

Acts and contracts of Board of Education confirmed.

1849, p. 157.
1849, p. 221.

State Normal School, where established.

Its design.

To be under direction of Board of Education.

Board to provide for erection of buildings.

(3508.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all acts done and contracts made by and with the Board of Education under and by virtue of "An act to establish a State Normal School," approved March twenty-eighth, eighteen hundred and forty-nine, and the act supplementary thereto, approved March thirty-first, eighteen hundred and forty-nine, be and they are hereby ratified and confirmed.

(3509.) SEC. 2. That a State Normal School be established and continued at Ypsilanti, in the county of Washtenaw, upon the site selected by said Board of Education, the exclusive purposes of which shall be the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to a good common-school education. Also to give instruction in the mechanic arts, and in the arts of husbandry and agricultural chemistry; in the fundamental laws of the United States, and in what regards the rights and duties of citizens.

(3510.) SEC. 3. The Normal School shall be under the direction of a Board of Education, and shall be governed and supported as herein provided. Said Board shall provide for the erection of suitable buildings on the site selected, as soon as the title thereto is

vested in them in fee, and the means in their hands for that purpose are sufficient; and they may appoint a suitable person to superintend the erection of said buildings.

(3511.) SEC. 4. Said Board of Education shall hereafter consist of six members, three of whom shall be appointed by the Governor, by and with the advice and consent of the Senate and House of Representatives in joint convention. The members of said Board heretofore appointed shall hold their offices for the term for which they were designated. At the session of the Legislature for the year eighteen hundred and fifty, and annually thereafter, the vacancies occurring shall be filled as above directed by appointment, the term of which shall be three years. The Governor shall, by appointment, fill any vacancy that may occur when the Legislature is not in session; such appointment to expire at the close of the next session of the Legislature. The Lieutenant Governor, the State Treasurer, and the Superintendent of Public Instruction shall, by virtue of their office, be members of said Board, and the latter shall be their secretary, and shall keep an exact and detailed account of their doings. He shall also communicate such reports to the Legislature as are required by this act. The State Treasurer shall, by virtue of his office, be treasurer of said Board, and the members thereof shall annually elect one of their number president. And no member of said Board of Education shall, during his continuance in office as a member of said Board, act as the agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of any such books as agent or otherwise. And the Governor of this State is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said Board is employed as such agent, or is interested in the manner aforesaid, to remove such member of said Board from office, and to appoint another member in his place to fill such vacancy.¹

Board of Education and their appointment. Constitution, Sec. 9, Art. 18.

Ex officio members.

Who to be secretary and treasurer.

Board may elect president.

Members not to be agents, etc., for school books.

Powers of Board of Education.

(3512.) SEC. 5. Said Board of Education shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each, and prescribe their several duties. They shall also have power to remove either the principal, assistant, or teachers, and to appoint others in their stead. They shall prescribe the various books to be used in said school, and shall make all the regulations and by-laws necessary for the good government and management of the same.

¹ As amended by Act 180, of 1850. Laws of 1850, p. 180.

Experimental school to be established.

(3513.) SEC. 6. Said Board shall also establish an experimental school in connection with the Normal School, and shall make all the regulations necessary to govern and support the same, and may, in their discretion, admit pupils free of charge for tuition.

Powers and duties of Board to provide grounds, buildings, etc., for instruction in agricultural and mechanic arts.

(3514.) SEC. 7. Said Board shall have power, and it shall be their duty, from time to time, as the means at their disposal may warrant, to provide suitable grounds and buildings, implements of husbandry and mechanical tools, either by purchase or lease, for the purpose of more effectually and experimentally carrying out the provisions of the second section of this act, "to give instruction in the mechanic arts, and in the arts of husbandry any [and] agricultural chemistry."

Notice to be given when school ready for pupils.

(3515.) SEC. 8. As soon as said Normal School is prepared to receive pupils, the Superintendent of Public Instruction shall give notice of the fact to each county clerk in the State, and shall publish said notice in a newspaper published in each Senatorial district.

Rules and regulations for admission of pupils.

(3516.) SEC. 9. The Board of Education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the Board; and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected. The Board of Education may, in their discretion, require any applicant for admission to said school—other than such as shall, prior to such admission, sign and file with said Board a declaration of intention to follow the business of teaching primary schools in this State—to pay, or secure to be paid, such fees for tuition as to said Board shall seem reasonable.

Certain pupils to pay or secure tuition fees.

Pupils to sign declaration of intention to become teachers.

(3517.) SEC. 10. Any person may be admitted a pupil of said school who shall pass a satisfactory examination: *Provided*, That the applicant shall, before admission, sign a declaration of intention to follow the business of teaching primary schools in this State: *And provided further*, That pupils may be admitted without signing such declaration of intention, on such terms as the Normal School Board may prescribe; and that each county shall be entitled to send pupils in the ratio of the Representatives in the State Legislature to which it may be entitled, not to exceed such number as the Board may prescribe.

But may be admitted without.

Ratio of pupils from each county.

Board of visitors, how appointed.

(3518.) SEC. 11. After said school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the

Board of Education, who shall examine thoroughly into the affairs of the school, and report to the Superintendent of Public Instruction their views with regard to its condition, success, and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually.

(3519.) SEC. 12. It shall be the duty of the Superintendent of Public Instruction, once at least in each term, to visit said school; and he shall annually make to the Legislature a full and detailed report of the doings of the Board of Education, and of all their expenditures, and the moneys received for tuition, and the prospects, progress, and usefulness of said school, including so much of the reports of said visitors as he may deem advisable.

(3520.) SEC. 13. Lectures on chemistry, comparative anatomy, astronomy, the mechanic arts, agricultural chemistry, and on any other science or any branch of literature that the Board of Education may direct, may be delivered to those attending said school, in such manner, and on such terms and conditions as the Board of Education may prescribe.

(3521.) SEC. 14. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the Board, in such manner as may be prescribed; and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect from the principal, to be approved by the Superintendent of Public Instruction.

(3522.) SEC. 15. The Board of Education shall have the power and authority to demand and receive the sum or sums donated and subscribed by the citizens of Ypsilanti and its vicinity, in such manner as said Board may prescribe, and apply the same to the erection and completion of the necessary buildings, the purchase of the necessary books, apparatus, furniture, and fixtures, and for various other incidental expenses to be incurred by said Board in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same in defraying the expenses of conducting said school. And any deficit which may arise in the erection and completion of said buildings and purchases aforesaid, shall be paid out of the principal to be received on the sale of lands hereinafter mentioned, not to exceed the sum of ten thousand dollars. Such sum shall be paid from time to time on the warrant of the Auditor General, to be drawn in pursuance of the certificate of the superintendent of building, or secretary of the Board, and countersigned by the president of the Board of Education; and no such certificate

Superintendent of Public Instruction to visit school, and make report.

Lectures.

Examination of pupils.

Certificate of qualifications.

Board may receive donations and subscriptions.

How to apply them.

Deficit in erection of buildings, etc., how paid.

shall be issued until work shall be done, or services rendered, or buildings erected, or books, apparatus, fixtures, or furniture purchased for the Normal School, under the direction of the Board of Education, entitling the applicant to such certificate, according to a contract or agreement with said Board for that purpose, or for services and expenses of the Board or some member thereof, in connection with the selection of the site, or the erection of the Normal School buildings, or the improvement of the grounds.

1849, p. 157.

What lands to
constitute en-
dowment fund.

Minimum price
of lands, and
how sold.

(3523.) SEC. 16. The ten sections of salt-spring lands, located by the Board of Education under the provisions of sections fifteen and sixteen of "An act to establish a State Normal School," approved March twenty-eighth, eighteen hundred and forty-nine, together with the fifteen sections of said salt-spring lands located under the provisions of section sixteen of said act, and all such lands as may be granted by Congress, or received or set apart (in any manner) in lieu of any portion of said land to which the title may prove insufficient, and all donations, in land or otherwise, to the State in trust, or to the Board of Education, for the support of a Normal School, shall constitute a fund, to be called the "Normal School Endowment Fund," and shall be reserved from sale until the same shall be appraised. The minimum price of said lands shall be four dollars per acre; and it shall be the duty of the officer authorized to sell said lands to cause the same to be appraised as soon as practicable, in the manner provided for the appraisal of other lands. None of said lands shall be sold for less than the minimum price fixed by law. It shall not be necessary to appraise any of said lands which have heretofore been appraised under existing provisions of law; and the proceeds of sales of any of said lands heretofore appraised and sold shall constitute a part of the fund herein provided. After such appraisal, such land shall be and remain subject to sale at the State Land Office, as is now or shall be hereafter provided by law; and the principal shall be and remain a perpetual fund for the use of said institution (except as herein provided). The installments of principal paid by the purchasers shall be paid into the State Treasury; and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest, as the same may be, shall be computed by the Auditor General and State Treasurer, at the close of each fiscal year, at the rate of six per cent per annum, and, together with all interest paid by purchasers of any portion of said lands, shall be passed to the credit of the State Normal School interest fund, to be drawn therefrom upon the warrant of the Auditor General issued in pursuance

of a certificate of the Board of Education, signed by their secretary and countersigned by their president, that the money is due and payable to the principal of the Normal School, or his assistants, or the teachers or officers employed, or to the members of the Board, or the board of visitors, as herein authorized, or for necessary incidental expenses in the support or maintenance of said school, or some of its departments.

(3524.) SEC. 17. Said funds shall be under the direction and control of the Board of Education, subject to the provisions herein contained. The treasurer of said Board shall pay out of the proper fund all orders or drafts for moneys to be expended under the provisions of this act; such orders or drafts to be drawn by the Auditor General on the certificate of the secretary, countersigned by the president of the Board. No such certificates shall be given except upon accounts audited and allowed by the Board at a regular meeting.

Funds under control of Board of Education.

(3525.) SEC. 18. The services, and all necessary traveling and other expenses, already or hereafter to be incurred by any member of the Board of Education or the board of visitors, shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the treasurer, until the erection and completion of the necessary buildings. The principal, assistants, teachers, and other officers employed in said school shall be paid out of the Normal School interest fund, and from receipts for tuition; and the services and expenses of the Board of Education, after the erection of the necessary buildings, and other expenses incident to said institution, shall be paid for out of the Normal School interest fund, in the same manner, as near as may be, as is required in regard to moneys drawn for the payment of the principal or other teachers. The members of the Board of Education and the visitors shall be entitled to two dollars per day for their actual services, and to their necessary traveling and other expenses.

Expenses of Board of Education and visitors, how paid.

Instructors and officers, how paid.

Pay of members and visitors.

(3526.) SEC. 19. For the purpose of rendering more efficient their organization, and to enable them the more fully to carry into effect the provisions herein contained, the members of the Board of Education, now holding their offices under the provisions of "An act to establish a State Normal School," approved March twenty-eighth, eighteen hundred and forty-nine, and their successors in office, are hereby constituted a body politic and corporate, by the name of "The Board of Education," for the purposes herein contemplated, and subject to such modifications as may be made thereto, and in that name shall have perpetual succession, and

"The Board of Education" to be body corporate; their powers, etc

shall be and they are hereby empowered to purchase, have, hold, possess, and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels, and effects of every kind, and the same to grant, alien, sell, invest, and dispose of, to sue and be sued, plead and be impleaded in all courts in this State, to have and to use a common seal, and the same to change, alter, and renew at pleasure, and to make such by-laws and regulations as they may deem proper for the well ordering and government of said corporation and the transaction of its business: *Provided*, The same be not repugnant to the Constitution or laws of this State or of the United States.

To be subject to provisions of Chap. 55 of Revised Statutes of 1848.

(3527.) SEC. 20. Said corporation shall be subject to the provisions of chapter fifty-five of the Revised Statutes of eighteen hundred and forty-six, so far as the same can apply, and are not inconsistent with the provisions of this act. They shall have power to transact all necessary business at any meeting, a quorum being present; and meetings may be called in such manner as their by-laws may provide, and a quorum shall consist of a majority of the members. The first meeting under this act may be held at such time and place as may be directed by the secretary, and no publication of notice thereof shall be necessary, and the attendance of a quorum shall render valid the proceedings of such meeting. All process against said corporation shall be served on the president or secretary thereof.

First meeting, when held.

Process against Board, how served.

Certain enactments repealed. 1849, p. 187. 1849, p. 221.

(3528.) SEC. 21. Sections four, fifteen, and sixteen of "An act to establish a State Normal School," approved March twenty-eighth, eighteen hundred and forty-nine, and all the provisions of said act, and the act supplementary thereto, which are inconsistent with the provisions of this act, are hereby repealed.¹

Legislature may alter, etc., this act.

(3529.) SEC. 22. This act shall take effect and be in force from and after its passage, and the Legislature may at any time alter, amend, or repeal the same by a vote of two-thirds of the members present in each House.

An Act providing for granting diplomas to graduates of the State Normal School.

[Approved February 13, 1857. Laws of 1857, p. 231.]

Diplomas may be granted.

(3530.) SECTION 1. The State Board of Education is authorized to grant to such students as shall have completed the full course of instruction in the State Normal School, and shall have been

¹ It is believed that all the provisions of the acts here referred to, not expressly repealed, and not inconsistent with the provisions of this act, are re-enacted by it. They are, therefore, not given here.

recommended by the board of instruction, a diploma, which, when signed by the members of the Board of Education, and by the board of instruction, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates.¹

(3531.) SEC. 2. The board of instruction of the Normal School shall give to every graduate receiving such diploma, a certificate, which shall serve as a legal certificate of qualification to teach in the primary schools of any township in this State when a copy thereof shall have been filed or recorded in the office of the county superintendent of common schools. Such certificate shall not be liable to be annulled except by the board of instruction, but its effect may be suspended in any county, and the holder thereof may be stricken from the list of qualified teachers in such county, by the county superintendent of common schools for the county in which said township may be situated, for any cause and in the same manner as he now is by law authorized to revoke certificates given by himself; and in case there be no such county superintendent for the county in which such township is situated, then the said certificate so given by the board of instruction may be suspended in any such township, and the holder thereof stricken from the list of qualified teachers in said township, by the school inspectors for said township, for any cause that authorizes them to annul a certificate given by themselves, and such suspension, in either case, shall continue in force until revoked by the authority suspending it.²

Certificates :
graduates to
receive. *

Effect of, when
filed with coun-
ty superintendent
of schools.

How effect of
may be suspend-
ed.

When school in-
spectors may
suspend.

Duration of sus-
pension.

¹ As amended by Act 105 of the Laws of 1863, p. 163, approved March 14, 1863.

² As amended by Act 2 of the Laws of 1871, p. 3, approved and took effect January 13, 1871.

CHAPTER CXXXIV.

THE STATE AGRICULTURAL COLLEGE.

An Act to reorganize the Agricultural College of the State of Michigan, and to establish a State Board of Agriculture.

[Approved March 15, 1861. Laws of 1861, p. 307.]

Board constituted and name.

Manner of nominating and appointing members.

(3532.) SECTION 1. *The People of the State of Michigan enact,* That a board is hereby constituted and established, which shall be known under the name and style of "The State Board of Agriculture." It shall consist of six members, besides the Governor of the State and the president of the State Agricultural College, who shall be *ex officio* members of the Board. At their annual meetings in the fall of the year eighteen hundred and sixty-two, and every second year thereafter, each county agricultural society in the State may nominate a person for member of the board, and from the persons so nominated, the Governor, by and with the consent of the Senate, on or before the third Wednesday of January of each biennial session, shall appoint two members of the Board to fill the vacancies that shall next occur, which vacancies shall be so filled that at least one-half of the appointed members of the board shall be practical farmers. The certificate of the president and secretary of any county agricultural society, that such society is legally organized, and has held at least two annual fairs, shall be evidence to the Governor of their right to nominate a member for the Board. Any other legally organized agricultural society that embraces at least ten townships of land, shall be entitled to the provisions of this act.¹

¹ As amended by Act 180 of the Laws of 1871, p. 801, approved April 17, 1871.

(3533.) SEC. 2. The State Board of Agriculture shall be a body Body corporate. corporate, capable in law of suing and being sued, of taking, holding, and selling personal and real estate, of contracting and being contracted with, of having and using a corporate seal, and of causing to be done all things necessary to carry out the provisions of this act.

(3534.) SEC. 3. Any vacancy in the said Board, caused by death, Vacancy. resignation, or removal from the State, may be filled by a majority of the members. A majority shall be a quorum for the transaction of business. The members of the Board shall receive no per diem Compensation. compensation for their services, but shall be paid their traveling and other expenses while employed on the business of the Board.

(3535.) SEC. 4. They shall meet quarterly, at the State Agricultural College, viz: on the last Wednesdays of February, May, Meetings of Board. August, and November of each year, and may meet at such other times and places as they may determine.

(3536.) SEC. 5. At their first meeting the members shall choose President. one of their number as president of their own Board.

(3537.) SEC. 6. At their first meeting, or as soon after as a com- Secretary and treasurer. petent and suitable person can be obtained, they shall choose a secretary of the Board. If chosen from their own number, a vacancy shall be thus created in the Board. A treasurer shall also be chosen, at their first meeting, who may or may not be from the members of their Board, as they shall determine. They shall take such bonds Bond. from the secretary and treasurer as shall be deemed adequate to secure the faithful performance of their duties by those respective officers. The secretary and treasurer shall be chosen biennially, and shall hold their offices for two years from the last Wednesday of February, or until their successors are chosen.

(3538.) SEC. 7. The Board shall direct the disposition of any moneys appropriated to the State Agricultural College.

(3539.) SEC. 8. The secretary of the Board shall reside at or near the Agricultural College, and keep his office at the city of Lansing, in the State buildings, or at the Institution, as the Board shall direct. It shall be his duty to keep a record of the transactions of the State Board of Agriculture, and of the State Agricultural College and farms, which shall be open at all times to the inspection of any citizens of this State. He shall also have the custody of all books, papers, documents, and other property which may be deposited in his office, including specimens of the vegetable and animal kingdoms of the State or counties; also, keep and file all Secretary and office. Duty to keep record of the Board. To have the custody of books, etc.

To file reports
of agricultural
societies.

Various duties.

reports which may be made from time to time by county and State agricultural and horticultural societies, and all correspondence of the office from other persons and societies appertaining to the general business of husbandry; address circulars to societies, and the best practical farmers in the State and elsewhere, with the view of eliciting information upon the newest and best mode of culture of those products, vegetables, trees, etc., adapted to the soil and climate of this State; also, on all subjects connected with field culture, horticulture, stock-raising, and the dairy. He shall encourage the formation of agricultural societies throughout the State, and purchase, receive, and distribute such rare and valuable seeds, plants, shrubbery, and trees, as it may be in his power to procure from the general government and other sources, as may be adapted to our climate and soils. He shall also encourage the importation of improved breeds of horses, cattle, sheep, hogs, and other live stock, and the invention and improvement of labor-saving implements of husbandry, and diffuse information in relation to the same. He shall encourage such domestic industry and household arts as are calculated to promote the general thrift, wealth, and resources of the State. To effect those objects he shall correspond with the Patent Office at Washington, and representatives of our national government abroad, and if possible procure valuable contributions to agriculture from those sources. He shall aid, as far as possible, in obtaining contributions to the museums and the library of the State Agricultural College, and thus aid in the promotion of agriculture, science, and literature.

Distribution of
seeds, plants,
etc.

(3540.) SEC. 9. The seeds, plants, trees, and shrubbery received by the secretary, and not needed by the college, shall be, so far as possible, distributed equally throughout the State, and placed in the hands of those farmers and others who will agree to cultivate them properly, and return to the secretary's office a reasonable proportion of the products thereof, with a full statement of the mode of cultivation, and such other information as may be necessary to ascertain their value for general cultivation in the State. Information in regard to agriculture may be published by him, from time to time, in the newspapers of the State, provided it does not involve any expense to the State.

Reports to be
made by the Sec-
retary.

(3541.) SEC. 10. The Secretary shall report to the Legislature, at every regular session thereof, and to the Governor on the first Wednesday in January in each year when the Legislature is not in session, which report shall embrace all such statements, accounts, statistics, prize essays, and other information relative to agriculture

in general, proceedings of the State Board of Agriculture, of the State Agricultural College and Farm, of the State Agricultural Society, and of the county and district agricultural societies, to be approved by the Board, and shall cause to be printed six thousand copies of said report for the year eighteen hundred and sixty-six, and the same number for each year thereafter. Two thousand copies of said report shall be placed in the hands of the Secretary of State, for disbursement through the Department of State, and four thousand copies shall be placed at the disposal of the State Board of Agriculture; one thousand copies of the same to be distributed by the secretary of the said State Board of Agriculture, as the Board shall direct, and the remaining three thousand copies of the same shall be distributed by the first of June in each year, by the secretary of the Board, to the secretaries of all the various county and district agricultural societies, as equally as may be according to the population of said counties, to be by said secretaries distributed among the various viewing committees of county and district fairs, giving one volume of such report to each of said committees who shall be present and discharge the duties of his office on the days of the county and district fairs. And if, after distributing to the said committees, there shall be any of said report left in the said secretaries' hands, they shall distribute them as equally as may be among the farmers of their respective counties.¹

Number of
copies to be
printed.

How reports
shall be distrib-
uted.

(3542.) SEC. 11. The secretary shall receive, as a compensation for his services, a salary of one thousand dollars per annum, to be paid quarterly from the State Treasury, in the same manner as is provided by law for the payment of the salaries of State officers.

Compensation.

(3543.) SEC. 12. The sum of twelve hundred dollars per annum, for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, or so much thereof as may be esteemed necessary by the State Board of Agriculture, is also hereby appropriated to meet the expenses which may be incurred in the purchase and transportation of seeds, postage, and the other contingent expenses of the office of the secretary, and also necessary to pay the expenses of the Board in attendance upon their duties.

Appropriation.

(3544.) SEC. 13. The State Agricultural School, established by act number one hundred and thirty, Session Laws of eighteen hundred and fifty-five, in obedience to section eleven of article thirteen of the Constitution, shall be known by the name and style of "The State Agricultural College." The design of the institution,

The State Agri-
cultural College.

¹As amended by Act 28 of the Laws of 1867, p. 37, approved and took effect February 27, 1867.

Agent may be
appointed to
examine lands.

(4034.) SEC. 10. The Governor may, if he shall deem it necessary, appoint an agent to examine the lands described herein, before leasing the same, with such compensation as he may deem advisable.

Lands leased not
to be taxed.

(4035.) SEC. 11. All lands leased under the provisions of this act shall not be subject to any other taxes than those specified in said act.

SEC. 12. This act shall take effect and be in force from and after its passage.

Legislature, making appropriations for its support, shall otherwise direct. The Board may make discriminations in regard to tuition between students from this State and from other States. One-third of the tuition charged for the academic term shall be paid in advance, and shall be forfeited in case the student abandons the institution.

(3551.) SEC. 20. The State Board of Agriculture shall have the Powers of Board general control and supervision of the State Agricultural College, the farm pertaining thereto, and lands which may be vested in the College by State legislation; of all appropriations made by the State for the support of the same, and also the management of any lands that may hereafter be donated by the general government to this State, in trust for the promotion of agriculture and industrial pursuits. The Board shall have plenary power to adopt all such ordinances, by-laws, and regulations, not in conflict with this act, as they may deem necessary to secure the successful operation of the College and promote its designed objects.

(3552.) SEC. 21. It shall be the duty of the State Board of Agriculture to choose a president of the State Agricultural College President and professors of the institution. before the commencement of the next term of the institution; they shall then proceed to choose such professors, tutors, and employes, as the necessities of the institution demand. In case of vacancy in the office of president, or in case a suitable man cannot be selected, the president of the State Board of Agriculture, or such member of the Board as shall be designated by them, shall be president *pro tem.* of the College, who shall receive such compensation for his services as the Board shall determine.

(3553.) SEC. 22. The Board shall fix the salaries of the president, Salaries. professors, and other employes, and prescribe their respective duties. The Board may remove the president or subordinate officers, and supply all vacancies.

(3554.) SEC. 23. The Board shall have power to regulate the Board may regulate the course. course of instruction, and prescribe, with the advice of the faculty, the books to be used in the institution; and also to confer, for similar or equal attainments, similar degrees or testimonials to those conferred by the University of Michigan.

(3555.) SEC. 24. The president, professors, farm manager, and Faculty. tutors shall constitute the faculty of the State Agricultural College. The president of the College shall be the president of the faculty. The secretary of the State Board of Agriculture shall be a member and secretary of the faculty.

- Faculty to pass rules, etc. (3556.) SEC. 25. The faculty shall pass all needful rules and regulations necessary to the government and discipline of the College, regulating the routine of labor, study, meals, and the duties and exercises, and all such rules and regulations as are necessary to the preservation of morals, decorum, and health.
- To have charge of library, etc. (3557.) SEC. 26. The faculty shall have charge of the laboratories, library, and museums of the institution.
- Annual report. (3558.) SEC. 27. The faculty shall make an annual report by the first Wednesday of December of each year, to the State Board of Agriculture, signed by the president and secretary, containing such information and recommendations as the welfare of the institution, in their opinion, demands. Any members of the faculty may make a minority report if they disagree with the conclusions of the majority, which the faculty shall communicate to the Board. No communication at any other time, from members of the faculty, shall be entertained by the Board, unless they have been submitted to a meeting of the faculty and sanctioned by a majority.
- Duty of president. (3559.) SEC. 28. The president shall be the chief executive officer of the State Agricultural College, and it shall be his duty to see that the rules and regulations of the State Board of Agriculture, and the rules and regulations of the faculty, be observed and executed.
- Subordinate officers. (3560.) SEC. 29. The subordinate officers and employees, not members of the faculty, shall be under the direction of the president, and, in the recess of the Board, removable at his discretion, and he may supply vacancies that may be thus or otherwise created. His action in these respects shall be submitted to the approval of the State Board of Agriculture at their next meeting.
- Superintendent of farm. (3561.) SEC. 30. The president may or may not perform the duties of a professor, as the State Board of Agriculture shall determine. If he performs the duties of a professor, or in case the duties of president are exercised by a president *pro tem.*, a superintendent of the farm may be appointed, who shall have the general superintendence of the business pertaining to the farm, the land, and other property of the institution, and who shall be a member of the faculty.
- Committee to fix students' wages. (3562.) SEC. 31. The president and secretary, together with the superintendent of the farm, if there be one, and in case there is not one, then one of the professors to be elected by the faculty, shall constitute a committee to fix the rate of wages allowed to students, and rate of board. In assessing the board, it shall be so estimated that no profit shall be saved to the institution, and as

near as possible at the actual cost. The rates of wages allowed, and rate of charge for board, shall, if practicable, be submitted to the State Board of Agriculture before they take effect.

(3563.) SEC. 32. For current expenditures at the State Agricultural College, specific sums shall be set aside, in the hands of their treasurer, by the State Board of Agriculture, which shall be subject to the warrants of the president of the College, countersigned by the secretary. All moneys due to the institution or received in its behalf shall be collected and received by the secretary, and deposited by him with the treasurer of the State Board of Agriculture. The secretary shall, with his annual report, render a full and complete account of all moneys received and all warrants drawn on the treasurer, as secretary of the College, and shall file and preserve all vouchers, receipts, correspondence, or other papers relating thereto.

(3564.) SEC. 33. All agricultural operations on the farm shall be carried on experimentally, and for the instruction of the students, and with a view to the improvement of the science of agriculture in the State of Michigan. To this end, the State Board of Agriculture shall cause to be published in their annual report—

First. A statement of the number of fields under cultivation on the College farm, their number as recorded on the farm plat, with the number of acres of arable land in each field, the kinds of crops raised, the number of acres of each kind, and the number of the field on which they were raised;

Second. The manner of preparation of the soil for the various crops, methods of seeding or planting, kind and variety of seed used, manner of cultivation, and harvesting;

Third. The several kinds, and a description of all implements used in the various stages of the different crops, with reports on their utility and adaptation for the purposes used;

Fourth. The time of preparation of the soil, sowing, planting, cultivating and harvesting, and a general statement of the weather, and its influence upon the several crops;

Fifth. The kinds of manures used, and crops and fields, or parts of fields, to which they were applied, the time and manner of application, and the several results;

Sixth. A detailed and systematic account of the number of days' work, of ten working hours each, of men and teams, in the production of each separately treated crop; said statement of labor to be in three divisions: first, up to the time the seed is deposited in the ground; secondly, during cultivation; thirdly, while harvesting and fitting the crop for market;

Seventh. A full and accurate statement of the yield per acre, by weight or measure, of all crops raised on the farm, distinguishing between the several kinds of treatments, as to manures used, depth of plowing, difference of cultivation, time of harvesting, kind or variety of seed used.¹

Grant of swamp
lands.

(3565.) SEC. 34. All the swamp lands granted to the State of Michigan by act of Congress, approved September twenty-eighth, one thousand eight hundred and fifty, situate in the townships of Lansing and Meridian, in the county of Ingham, and Dewitt and Bath, in the county of Clinton, of which no sale has been made, or for which no certificates of sale have been issued by the Commissioner of the Land Office, are hereby granted and vested in the State Board of Agriculture and placed in the possession of the State Agricultural College, for the exclusive use and benefit of the institution, subject only to the provisions relating to drainage and reclamation of the act of Congress donating the same to the State.

Board may sell
the lands.

(3566.) SEC. 35. The State Board of Agriculture shall have authority to sell and dispose of any portions of the swamp lands mentioned in the preceding section of this act, and use the same or the proceeds thereof for the purpose of draining, fencing, or in any manner improving such other portions of said lands as it may be deemed advisable to bring under a high state of cultivation for the promotion of the objects of the State Agricultural College. The terms and conditions of the sale of the portions of the above-described lands thus disposed of shall be prescribed by the State Board of Agriculture, and deeds of the same, executed and acknowledged, in their official capacity, by the president and secretary of the State Board of Agriculture, shall be good and valid in law.

Deeds thereof.

Members of
Board.

(3567.) SEC. 36. David Carpenter of Lenawee county; Justus Gage of Cass county; Philo Parsons of Wayne county; Hezekiah G. Wells of Kalamazoo county; Silas A. Yerkes of Kent county, and Charles Rich of Lapeer county, are hereby constituted and appointed the first State Board of Agriculture. At their first meeting, which the Governor of the State is hereby authorized and directed to call at as early a day as practicable, they shall determine by lot their several periods of service, two of whom shall serve for two years, two of whom shall serve for four years, and two of whom shall serve for six years, respectively, from the third Wednesday of January last past, when they are superseded by appointments, in accordance with the provisions of section one of this act, or until their successors are chosen.

Terms.

¹ Vide note to section 1 of this act.

(3568.) SEC. 37. Act number one hundred and thirty, Session Repeal. Laws of eighteen hundred and fifty-five, being an act for the establishment of a State Agricultural School, and all other acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 38. This act shall take immediate effect.

An Act to establish a military school in connection with the Agricultural College.

[Approved March 20, 1863. Laws of 1863, p. 364.]

(3569.) SECTION 1. *The People of the State of Michigan enact,* Military school established. That in addition to the course of instruction already provided by law for the Agricultural College of this State, there shall be added military tactics and military engineering.

(3570.) SEC. 2. The State Board of Agriculture are hereby authorized and required to make such additional rules and regulations for the government and control of the Agricultural College, as may be necessary to carry into effect the provisions of section one of this act. Rules and regulations.

(3571.) SEC. 3. The State Board of Agriculture shall, by and with the advice and consent of the Governor, the Adjutant General, and Quartermaster General, procure, at the expense of the State, all such arms, accoutrements, books and instruments, and appoint such additional professors and instructors, as, in their discretion, may be necessary to carry into effect the provisions of this act: *Provided,* Arms, accoutrements, etc. Provide. That nothing in this act shall be construed to authorize the incurring of any indebtedness against the State, or the expenditure of money beyond the appropriations made to the Agricultural College.

CHAPTER CXXXV.

MINING SCHOOL IN THE UPPER PENINSULA.

An Act to establish and regulate a mining school in the Upper Peninsula.

[Approved March 15, 1861. *Laws of 1861, p. 419.*]

Michigan Min-
ing School.

(3572.) SECTION 1. *The People of the State of Michigan enact,* That a school shall be established at or near the village of Houghton, in the county of Houghton, to be called the Michigan Mining School, for the purpose and under the regulations contained in this act.

Board of trust-
ees.

(3573.) SEC. 2. The said school shall be under the control and management of a board of six trustees, who shall be known as the "Trustees of the Michigan Mining School."

Trustees, elec-
tion of.

(3574.) SEC. 3. At the election to be held on the first Monday of April, in the year one thousand eight hundred and sixty-five, in said Upper Peninsula, six trustees shall be elected by the electors of said Upper Peninsula, three from the county of Houghton, one from the county of Marquette, one from the county of Keweenaw, and one from the county of Ontonagon, two of whom shall be elected for a term of two years, two for a term of four years, and two for a term of six years; and the ballots cast for said trustees shall designate the term for which each trustee is to be elected.

Term of.

Commencement
and end of term.

Their terms of office shall commence on the first day of July next succeeding their election, and shall continue for the period for which they shall be so elected. Every two years after the first election aforesaid, two trustees shall be elected in like manner, to replace those whose terms are about to expire. Such election shall

be noticed, conducted, and canvassed, certified, and recorded, and the result thereof notified and transmitted, as near as may be, in conformity with the laws now applicable to the election of circuit judge for the Upper Peninsula.¹

Election, how conducted.

(3575.) SEC. 4. The said trustees shall hold their first meeting at the village of Houghton, on the second Monday of July, in the year one thousand eight hundred and sixty-five, and may adjourn the same as they see fit. Meetings may be called subsequently, at such place and time as any two members of the board, by notice served personally or sent by mail two weeks previous thereto, or in such other manner as said trustees may direct, and all meetings may be lawfully adjourned at their pleasure. Four trustees shall

Meetings of trustees.

Quorum.

form a quorum for business, and any two may hold a meeting open by adjournment, from time to time, not more than two weeks in all: *Provided*, A quorum shall not be present at the time appointed for such meeting. At the first meeting, or as soon thereafter as

President.

may be, the said trustees shall elect one of their number president, who shall hold his office until the expiration of the shortest term of office of any trustee then in office, and whose powers shall be defined and regulated by the trustees. In case of the neglect or inability of such trustees to elect a president, for the period of thirty days after the time of the first meeting, when a president might have been elected, it shall be the duty of the judge of the twelfth judicial circuit to designate one of said trustees as president for the ensuing two years. The trustees shall also appoint,

Appointment of president by circuit judge.

from time to time, a treasurer, who shall, before entering upon his duties of his office, give bonds to the people of this State, to be deposited with said trustees, in such sum (not less than twice the

Treasurer.

Bond of.

amount of money likely to come into his hands), and with such sureties as shall be fixed and directed by the trustees, and a secretary, out of their own number, or otherwise, and such other officers and assistants as they may see fit, whose powers and duties shall also be regulated by them, but subject to the provision that no money shall be paid out, nor any contract be made, or act done, involving the payment of money or the disposal of property, except in pursuance of a vote of the trustees: *Provided*, That in case of failure, by reason of want of time, after the passage of this act, to hold such election at the time prescribed by this act, then it shall be the duty of the board of supervisors of the several coun-

Other officers.

Proceedings in case of failure to hold first election.

¹ As amended by Act 198 of the Laws of 1965, p. 323, approved and took effect March 15, 1965.

ties of the Upper Peninsula to order, without unnecessary delay, a special election for the election of said trustees.¹

Trustees to erect buildings, etc.

(3576.) SEC. 5. As soon as the means in their hands will permit, without incurring indebtedness, said trustees shall proceed to obtain a suitable location, and erect such buildings, and procure such furniture, apparatus, library, and implements, as may be necessary for the successful operation of said school: *Provided*, That no provision shall be made for boarding any pupils unless employed in the service of the institution, but rooms may be provided for the lodging of students, if it shall, in the opinion of such board, become necessary, but not otherwise. Such board shall have power, as their means will permit, to appoint a principal, and such other teachers and assistants as they may deem expedient, with salaries, to be paid from time to time, as they may agree, and to regulate their duties; but no agreement shall be valid whereby such board shall be prevented from discharging any one in their employ upon six months' previous notice.

Proviso.

Principal and teachers.

Board may discharge.

Course of instruction.

(3577.) SEC. 6. The course of instruction shall embrace geology, mineralogy, mining and mining engineering, and such other branches of practical and theoretical knowledge as will, in the opinion of the board, conduce to the end of enabling the students at said institution to obtain a full knowledge of the science, art, and practice of mining. Tuition shall be forever free in said institution to all *bona fide* residents of this State, and no charge shall be made to others for tuition so long as the funds provided otherwise shall be sufficient to meet the current expenses of the institution; but a reasonable charge for incidental expenses, not exceeding ten dollars per year, may be made against any student, if deemed necessary, and the board shall not be obliged to furnish books, apparatus, or other materials, for the use of students.

Tuition.

Incidental expenses.

Board to make rules, etc., for institution.

(3578.) SEC. 7. The course of study, the terms and the hours of instruction, shall be regulated by the board of trustees, who shall also have power to make all such rules and regulations concerning the admission, control, and discipline of students, and other matters, as may be deemed necessary for the good government of the institution and the convenience and transaction of its business.

Debts not to be contracted.

(3579.) SEC. 8. No debt shall be contracted beyond or apart from the actual means of the institution. The trustees may dispose of or lease any property donated to the State for the purposes of said school, or which may be acquired in payment of debts, except such

¹ As amended by Act 198 of the Laws of 1865, p. 828, approved and took effect March 15, 1866.

as is necessary for the accommodation of the school. They shall not enter upon the business of mining, or pursue the same, except so far as it may be deemed necessary in the course of instruction, nor shall they purchase any lands beyond what are required for the reasonable accommodation of the school.

Powers and restrictions of trustees.

(3580.) SEC. 9. It shall be the duty of said trustees to provide for obtaining and establishing a complete collection of minerals of the Upper Peninsula, and properly classifying the same; and also to give attention to obtaining, and shall preserve, all such information, statistical and scientific, as may be had in regard to the mineral resources of the Upper Peninsula, and all important discoveries and improvements in developing the same; and to this end they shall provide for a full report, annually, from one or more of the persons engaged as teachers in said school. The trustees shall annually, on or before the first day of November, make a report of their doings to the Superintendent of Public Instruction, and shall transmit therewith a copy of the scientific report before mentioned, as well as a general report, showing their receipts and expenditures, as well as the general affairs of said school.

Trustees to establish a collection of minerals.

Annual scientific report.

Report to Superintendent of Public Instruction.

(3581.) SEC. 10. Vacancies in said board of trustees may be filled by the board, and persons appointed to fill such vacancies shall hold until the first day of July succeeding the next election after their appointment, at which election such vacancies shall be filled by the election of a person or persons who shall enter upon his or their duties on the first day of July thereafter, and hold respectively for the unexpired term of the trustee or trustees whose death, resignation, or removal from office occasioned such vacancy.

Vacancies in board of trustees.

CHAPTER CXXXVI.

PRIMARY SCHOOLS.

Chapter fifty-eight of Revised Statutes of 1846.

DISTRICTS.

When new district is formed, township clerk to deliver notice to taxable inhabitant.
1848, p. 83, etc.
19 Mich. 208.

(3582.) SECTION 1. Whenever the board of school inspectors of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district, describing its boundaries, and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon record by the clerk.

Inhabitant to serve notice.

(3583.) SEC. 2. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly.

Return of notice

(3584.) SEC. 3. The said inhabitant, when he shall have notified the qualified voters as required in such notice, shall indorse thereon a return, showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting.

Notice and return to be recorded.

(3585.) SEC. 4. The said chairman shall deliver such notice and return to the director chosen at such meeting, who shall record the same at length in a book to be provided by him at the expense of the district, as a part of the records of such district.

(3586.) SEC. 5. The qualified voters of such district, when assembled pursuant to such previous notice, and all existing districts, at their annual meeting in the year one thousand eight hundred and fifty-nine, shall elect, from the qualified voters of such district, a moderator for three years, a director for two years, and an assessor for one year; and on the expiration of their respective terms of office, and regularly thereafter, their several successors shall be elected for a term of three years each. Within ten days after their election, these several officers shall file with the director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by said director.¹

District officers
when elected,
etc.

(3587.) SEC. 6. Every such school district shall be deemed duly organized, when any two of the officers elected at the first meeting shall have filed their acceptance as aforesaid.²

When district
deemed organ-
ized.

(3588.) SEC. 7. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered.²

New notice in
case of failure to
organize.

(3589.) SEC. 8. Every school district organized in pursuance of this chapter, or which has been organized and continued under any previous law of the State or Territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School district number (such number as shall be designated in the formation thereof by the inspectors) of (the name of the township or townships in which the district is situated), and in that name shall be capable of suing and being sued, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

Corporate pow-
ers of districts.

(3590.) SEC. 9. The record made by the director, as required in the fourth section of this chapter, shall be *prima facie* evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the school inspectors, as evidence.

Director's rec-
ord evidence.

(3591.) SEC. 10. Every school district shall, in all cases, be presumed to have been legally organized, when it shall have exercised

Presumption of
legal organiza-
tion.

¹ As amended by Act 176 of the Laws of 1861, p. 284, approved March 15, 1861.

² See the act of February 8, 1855, following.

the franchises and privileges of a district for the term of two years.

DISTRICT MEETINGS.

Annual meeting (3592.) SEC. 11. The annual meeting of each school district shall be held on the first Monday of September in each year, and the school year shall commence on that day.¹

Calling special meetings. (3593.) SEC. 12. Special meetings may be called by the district board, and it shall be the duty of the said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; and in all notices for special meetings, the general object of the meeting shall be stated.²

Notices of annual or special meetings, what to contain. (3594.) SEC. 13. All notices of annual or special district meetings, after the first meeting has been held as aforesaid, shall specify the day and hour and place of meeting, and shall be given at least

Posting copies six days previous to such meeting, by posting up copies thereof in three of the most public places in the district; and in case of any

Notice, etc., of meeting to change site, etc. special meeting called for the purpose of establishing or changing the site of a school-house, such notice shall be given at least ten

Provided. days previous thereto: *Provided*, That when any of the district board shall receive a request to call a special meeting, as provided in the preceding section, he shall forthwith give notice, as above provided, of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid.³

When meeting not illegal for want of notice. (3595.) SEC. 14. No district meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

SEC. 15.⁴

Challenging votes. (3596.) SEC. 16. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman shall tender to him an oath in substance as follows: "You do swear (or affirm) that you are

Oath of voter.

¹ Vide note to section 5 of this act.

² As amended by Act 84 of the Laws of 1867, p. 42, approved and took effect February 28, 1867.

³ As amended by Act 185 of the Laws of 1860, p. 229, approved April 8, 1860.

⁴ Repealed by Act 110 of the Laws of 1907, p. 146.

twenty-one years of age, that you have been for the last three months an actual resident of this school district, and are liable to pay a school district tax therein;" and every person taking such oath shall be permitted to vote on all questions proposed at such meeting. Or he may take the following oath, to wit: "You do swear (or affirm) that you have been for the past three months an actual resident of this school district, and are a legal voter at townships and county elections;" and he may vote upon all questions when the raising of money by tax is not in question.¹

(3597.) SEC. 17. If any person so challenged shall refuse to take such oath, his vote shall be rejected, and any person who shall willfully take a false oath or make a false affirmation, under the provisions of the preceding section, shall be deemed guilty of perjury. False oath to be deemed perjury.

(3598.) SEC. 18. When any question is taken in any other manner than by ballot, a challenge immediately after the vote has been taken shall be deemed to be made when offering to vote, and treated in the same manner. When challenge may be made in certain cases.

(3599.) SEC. 19. The qualified voters in such school district, when lawfully assembled, shall have power to adjourn from time to time, as may be necessary; to designate a site for a school-house, by a vote of two-thirds of those present, and to change the same by a similar vote, at any regular meeting. Powers of voters at meetings. 19 Mich. 382.

(3600.) SEC. 20. When no site can be established by such inhabitants, as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district, and shall be final, subject to alteration afterwards by the inspectors, on the written request of a majority of the qualified voters of the district.² When inspectors to determine school-house site. 19 Mich. 382.

(3601.) SEC. 21. The said qualified voters shall also have power, by the vote of a majority present and voting at any such meeting, to direct the purchasing or leasing a site determined upon under the preceding sections nineteen or twenty, and the building, hiring, or purchasing of a school-house, or the enlarging of a site previously established.³ Power of majority of qualified voters to direct purchasing, etc., site and building school-house.

(3602.) SEC. 22. The amount of taxes to be raised in any district for the purpose of purchasing or building a school-house shall not exceed the sum of one thousand dollars in any one year, unless Limit to tax for school-houses.

¹ As amended by Act 170 of the Laws of 1871, p. 271, approved and took effect April 17, 1871.

² Vide note to section 5 of this act.

³ As amended by Act 110 of the Laws of 1869, p. 168, approved April 8, 1869.

there shall be more than fifty children between the ages of five and twenty years residing therein.¹

Voters may impose tax for school purposes.

(3603.) SEC. 23. Such qualified voters, when assembled as aforesaid, may, from time to time, impose such tax as shall be necessary to keep their school-house in repair, and to provide the necessary appendages and school apparatus, and in townships having district libraries, for the support of the same, and to pay and discharge any debts or liabilities of the district lawfully incurred; and when a tax is voted, or estimated by the board under the provisions of section twenty-four, and as [is] needed for use before it can be collected, the district may borrow to an amount not exceeding the amount of the tax; and no money raised by district tax shall be used for any other purpose than that for which it was raised, without a vote of two-thirds of the tax-paying voters of the district.²

May borrow money.

Relative to length of time of school, sex of teachers, amount to be raised by tax, etc.

(3604.) SEC. 24. They shall also determine at such annual meeting the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having from thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the two-mill tax and primary school fund; and whether by male or female teachers, or both; and it shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such schools, including fuel and other incidental expenses, and for deficiencies of previous year; and previous to the second Monday in October make a written report of the amount so determined to the supervisor of the township in which any part of said district may be situated; and the same shall be levied upon the taxable property of the district, collected, and returned, in the same manner as township taxes.

School month.

A school month, within the meaning of this act, shall consist of four weeks, of five days in each week, unless otherwise specified in the teacher's contract.³

Duty of district court relative to foregoing provisions.

(3605.) SEC. 25. In case any of the matters in the preceding section mentioned are not determined at the annual meetings, the district board shall have power, and it shall be their duty, to determine the same; and in case the district fails to vote for at least the minimum length of school required by said section, it shall be the

¹ Vide note to section 12 of this act.

² Vide note to section 16 of this act.

duty of the said board to make the necessary provisions for said minimum length of school.¹

(3606.) SEC. 26. Said qualified voters may also, at any regular meeting, authorize and direct the sale of any school-house, site, building, or other property belonging to the district, when the same shall no longer be needed for the use of the district. When voters may direct sale of property.

(3607.) SEC. 27. They may also give such directions and make such provision as they shall deem necessary, in relation to the prosecution or defense of any suit or proceeding in which the district may be a party or interested. Directions in regard to suits.

(3608.) SEC. 28. All persons, residents of any school district, and five years of age, shall have an equal right to attend any school therein; and no separate school or department shall be kept for any persons on account of race or color: *Provided*, That this shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil, to be taught in separate places, as may be deemed expedient.¹ All residents may attend school. *Provido*.

DISTRICT OFFICERS, THEIR POWERS AND DUTIES—MODERATOR.

(3609.) SEC. 29. The moderator shall have power, and it shall be his duty, to preside at all meetings of the district, to countersign all orders upon the assessor for moneys to be disbursed by the district, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk; but if the moderator shall be absent from any district meeting, the qualified voters present may elect a suitable person to preside at the meeting.² Moderator; powers and duties of.

(3610.) SEC. 30. If at any district meeting any person shall conduct himself in a disorderly manner, and, after notice from the moderator or person presiding, shall persist therein, the moderator or person presiding may order him to withdraw from the meeting, and on his refusal, may order any constable or other person or persons to take him into custody until the meeting shall be adjourned. Moderator to keep order, etc.

(3611.) SEC. 31. Any person who shall refuse to withdraw from such meeting on being so ordered, as provided in the preceding section, or who shall willfully disturb such meeting, or any district or union school, shall be subject to the same penalty as prescribed for the disturbance of a religious assembly.³ Penalty for disturbing.

¹ Vide note to section 16 of this act.

² Vide note to section 21 of this act.

³ Vide note to section 12 of this act.

ASSESSOR.

Assessor to pay
money orders.
19 Mich. 318.

(3612.) SEC. 32. The assessor shall pay all orders of the director, countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn.¹

SEC. 33.¹

SEC. 34.²

SEC. 35.¹

When assessor
to appear for
district.

(3613.) SEC. 36. The assessor shall appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the director shall appear for such district, if no other direction be given as aforesaid.

DIRECTOR.

Director to be
clerk.

(3614.) SEC. 37. The director shall be the clerk of the district board, and of all district meetings when present, but if he shall not be present at any district meeting, the qualified voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof to the director, to be recorded by him.

To record pro-
ceedings, etc.

(3615.) SEC. 38. The director shall record all the proceedings of the district, in a book to be kept for that purpose, and preserve copies of all reports made to the school inspectors, and safely preserve and keep all books and papers belonging to his office.

Hiring of teach-
ers, contracts,
etc.

(3616.) SEC. 39. The district board shall hire such qualified teachers as may be required; and all contracts shall be in writing, and signed by a majority of the board on behalf of the district. Said contract shall specify the wages agreed upon, and shall require the teacher to keep a correct list of the pupils, and the age of each, attending the school, and the number of days each pupil is present, and to furnish the director with a correct copy of the same at the close of the school. Said contract shall be filed with the director, and a duplicate of the same furnished to the teacher.³

SEC. 40.³

Affidavit of
census of chil-
dren.

(3617.) SEC. 41. Within ten days next previous to the annual district meeting, it shall be the duty of the director, or such other person as the district board may appoint, to take the census of the

¹Vide note to section 21 of this act.

²Repealed by Act 110 of the Laws of 1869, p. 188.

³Vide note to section 16 of this act.

district, and make a list in writing of the names and ages of all the children between the age of five and twenty years residing therein; and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or indorsed thereon, setting forth that it is a correct list of the names of all the children between the ages aforesaid residing in the district, which affidavit may be made before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in almshouses, prisons, or asylums, not otherwise residents of the district, and not attending the school, shall not be included in the said census, nor shall Indian children be so included unless they attend the school or their parents are liable to pay taxes therein.¹

Almshouse
children, etc.,
not included.

SEC. 42.²

SEC. 43.²

SEC. 44.²

SEC. 45.²

SEC. 46.²

SEC. 47.²

(3618.) SEC. 48. The director shall provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time school shall be taught therein, and shall keep an accurate account of all expenses incurred by him as director. Such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided by the district for such purpose.³

Director to keep
school-house in
repair.

Expenses, how
paid.

(3619.) SEC. 49. He shall present at each annual meeting an estimate of the expenses necessary to be incurred during the ensuing year for such purposes, and for payment for the services of any district officer; and such amount, when voted by such annual meeting, shall be assessed and collected in the same manner as other district taxes; but no tax for these purposes shall be voted at a special meeting unless a notice of the same shall be expressed in the notice of such meeting.³

Estimate of ex-
pense for com-
ing year.

(3620.) SEC. 50. He shall give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of in accordance with the provisions of this chapter, one copy of which for each meeting shall be posted on the outer door of the district school-house if there be one.

Director to give
notice of meet-
ings.

¹ Vide note to section 13 of this act.

² Repealed by Act 110 of the Laws of 1869, p. 188.

³ As amended by Act 247 of the Laws of 1869, p. 1046, approved February 15, 1869.

To draw books from township library, and return the same.

(3621.) SEC. 51. The director shall draw from the township library the proportion of books to which his district may be entitled, and return the same to the township library at the expiration of three months, and shall continue to draw books in like manner at the expiration of every three months, and to return the same as aforesaid.

Distribution of books.

(3622.) SEC. 52. He shall distribute the books drawn out by him to the parents or guardians of the children of the district of the proper age, for the time and under the restrictions contained in the rules prescribed by the board of school inspectors.

Warrants to be drawn by the director.

(3623.) SEC. 53. He shall draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the assessor of the district, and orders upon the assessor for all moneys to be disbursed by the district, and present them to the moderator, to be signed by him.¹

Director to make annual report to township clerk.

(3624.) SEC. 54. The director shall also, at the end of each school year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing—

Contents of report.

First. The whole number of children belonging to the district between the the ages of five and twenty years, according to the census taken as aforesaid;

Second. The number attending school during the year under five, and also the number over twenty years of age;

Third. The whole number that have attended school during the year;

Fourth. The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time kept by each, and the wages paid to each;

Fifth. The average length of time scholars between five and twenty years of age have attended school during the year;

Sixth. The amount of money received from the township treasurer, apportioned to the district by the township clerk;

Seventh. The amount of money raised by the district, and the purposes for which it was raised—

Eighth. The kinds of books used in the school;

Ninth. Such other facts and statistics, in regard to schools and the subject of education, as the Superintendent of Public Instruction shall direct.²

¹ Vide note to section 12 of this act.

² Vide note to section 5 of this act.

• DISTRICT BOARD.

(3625.) SEC. 55. The moderator, director, and assessor shall constitute the district board. District board.

(3626.) SEC. 56. Said board shall, between the first Monday in September and the second Monday of October, in each year, make out and deliver to the supervisor of each township in which any part of the district is situated, a report in writing under their hands of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.¹ Board to report tax voted by district.

(3627.) SEC. 57. The district board may purchase, at the expense of the district, such school-books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such purchases in their report to the supervisor or supervisors, to be assessed as aforesaid. They shall also prescribe a uniform list of text-books to be used in the said school; but text-books, once adopted, shall not be changed within two years, except by the consent of a majority of the voters at some regular meeting. They shall have the general care of the school, and may establish all needful regulations for its management.² Board may purchase books for indigent children. Text-books.

(3628.) SEC. 58. Said board may admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils, and collect the same; and they may authorize or order the suspension or expulsion from the school, whenever in their judgment the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience.³ Board may admit non-resident pupils, and fix rates of tuition. May suspend or expel pupils.

(3629.) SEC. 59. They shall purchase or lease a site for a school-house, as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school-house out of the fund provided for that purpose, and make sale of any site or other property of the district, when lawfully directed by the qualified voters at an annual or special meeting: *Provided*, That the district shall not in any case build a stone or brick school-house upon any site, without having first obtained a title in fee to the same, or a lease for ninety-nine years; and also that they shall not in any case build a frame school-house on any site for which they have not a title in fee, or a lease for fifty years, without securing the privilege of removing the said school-house when Board shall purchase or hire site for school-house. Provide.

¹ Vide note to section 5 of this act.

² Vide note to section 16 of this act.

³ Vide note to section 21 of this act.

Building com-
mittee.

lawfully directed so to do by the qualified voters of the district, at any annual or special meeting: *Provided also*, That the qualified voters of the district may appoint a building committee, to take charge of the work of building such school-house.'

Board to apply
school moneys.

(3630.) SEC. 60. The district board shall apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, as may be directed by the district; but no school moneys apportioned to any district shall be appropriated to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate as required in this chapter, before the commencement of his school.

Bond to be re-
quired of assess-
or.

(3631.) SEC. 61. The moderator and director shall require of the assessor, and the assessor shall execute to the district, a bond in double the amount of money to come into his hands as such assessor during the year, as near as the same can be ascertained, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office.

Where bond to
be lodged, and
when sued, etc.

(3632.) SEC. 62. Such bond shall be lodged with the moderator, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall be paid into the township treasury, for the use of the district, subject to the order of the proper district officers.

Report of re-
ceipts and dis-
bursements.

(3633.) SEC. 63. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements.

Statement of
taxes, etc.

(3634.) SEC. 64. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, and said reports shall be recorded by the director in a book to be provided and kept for that purpose.

Custody and
use of school-
house.

(3635.) SEC. 65. The said district board shall have the care and custody of the school-house and other property of the district, except so far as the same shall by a vote of the district be specially confided to the custody of the director, including all books pur-

chased for the use of indigent pupils, and shall open the school-house for public meetings, unless by vote at a district meeting it shall be determined otherwise.¹

(3636.) SEC. 66. It shall be the duty of said board to fill by appointment, without delay, any vacancy that shall occur in their own number, or they shall call a special meeting of the district to fill such vacancy by an election.¹

(3637.) SEC. 67. Every school district office shall become vacant upon the incumbent ceasing to be a resident of the district for which he shall have been elected, or upon the happening of either of the events specified in section three of chapter fifteen of the Revised Statutes of eighteen hundred and forty-six; and in case of temporary absence, or positive disability of a district officer to perform any necessary duty of his office, the board may appoint a substitute for the time being, who shall be subject to all the requirements and responsibilities of the office.¹

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

(3638.) SEC. 68. The inspectors elected at the annual township meetings, together with the township clerk, shall constitute the township board of school inspectors; and the inspector elected at the annual township meeting, having the shortest time to serve, shall be chairman of said board, and the said township clerk shall be the clerk thereof.

(3639.) SEC. 69. The chairman of said board shall be the treasurer thereof, and shall give bond to the township in double the amount of library moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office.

(3640.) SEC. 70. Said bond shall be filed with the township clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the township treasury for the benefit of the township library.

(3641.) SEC. 71. The inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate

¹ Vide note to section 16 of this act.

2 Doug. Mich.
151.
17 Mich. 228.

and alter the boundaries of the same as circumstances shall render proper; but no district shall contain more than nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be; but no land shall be taxed for building a school-house, unless some portion of every legal subdivision of said land shall be within two and one-half miles of said school-house site.¹

Persons residing
out of district
may be attached
to district in
certain cases.

(3642.) SEC. 72. They may attach to a school district any person residing in the township, and not in any organized district, at his request; and for all district purposes, except raising a tax for building a school-house, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

Inspectors to
receive and ap-
propriate library
money.

(3643.) SEC. 73. The inspectors shall apply for and receive from the township treasurer all moneys appropriated for the township library of their township, and shall purchase the books, and procure the necessary appendages for the township library, and make such rules for the regulation thereof, and the preservation of the books contained in it, as they may deem proper.

SEC. 74.²

When district is
divided, prop-
erty to be appor-
tioned.
18 Mich. 104.

(3644.) SEC. 75. When a new district is formed, in whole or in part from one or more districts possessed of a school-house, or entitled to other property, the inspectors, at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district of the value of the school-house and other property belonging to the former district, at the time of such division; and whenever, by the division of any district, the school-house or site thereof shall no longer be conveniently located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the

¹ Section 2 of Act 106 of 1840, p. 165, which has never been repealed, unless by implication, provides that "It shall not be lawful for the school inspectors of common schools in any township divided by Grand River, below the village of Lyons, in the county of Ionia, to set off any school district so as to embrace land within the same lying on both sides of said river, and all districts heretofore organized shall be so altered as to conform to this section, without the consent of the owners of the same."

² Repealed by Act 55 of the Laws of 1867, p. 74.

several districts erected in whole or in part from the divided district.¹

(3645.) SEC. 76. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school-house, shall be entitled to any portion thereof, nor be taken into account in such division of district property.²

How proportion to be ascertained

(3646.) SEC. 77. The amount of such proportion, when so ascertained and determined, shall be certified by the township clerk to the supervisor of the township, whose duty it shall be to assess the same upon the taxable property of the district, retaining the school-house or other property of the former district, in the same manner as if the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes.

Proportion to be certified to supervisor; how disposed of.

(3647.) SEC. 78. When collected, such amount shall be paid over to the assessor of the new district, to be applied to the use thereof, in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school-house, or other district purposes.

When apportionment collected, to be paid over. 13 Mich. 104.

(3648.) SEC. 79. On the first Saturday of October, in each year, the inspectors shall make triplicate reports, setting forth the whole number of districts in their townships, the amount of money raised and received for township and district libraries, and such other items as shall from year to year be required by the Superintendent of Public Instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall immediately forward two copies of the same to the county clerk, and deposit the other in his office.³

Triplicate reports by inspectors.

How disposed of

¹ Vide note to section 5 of this act.

² As amended by "An act to amend section seventy-six, chapter fifty-eight, title eleven, of the Revised Statutes of eighteen hundred and forty-six, in relation to primary schools," approved April 2, 1851. Laws of 1851, p. 77.

³ Vide note to section 12 of this act.

Duty of inspectors relative to distribution of public money.

(3649.) SEC. 80. It shall be the duty of county schools superintendents to furnish to the clerks of the several townships in the county a list of names of persons to whom they have given certificates to teach in their respective counties, with the date and term of the same; and the inspectors, before making their annual report to the county superintendent, shall examine said list; or in townships having no county superintendent, they shall examine the record of teachers to whom certificates have been given by themselves; and if, in any school district a school shall not have been taught for the time required by law during the preceding school year by a qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district in their reports to the county clerk or county superintendent.¹

Formation of districts in two or more townships.

(3650.) SEC. 81. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships, the inspectors, or a majority of them, of each of such adjoining townships, may form such district, and direct which township clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary. The director of such district shall make his annual report to the clerk of the township in which the school-house is situated.²

To whom report to be made.

Director to report to each township.

(3651.) SEC. 82. The director of every district formed as provided in the preceding section shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township, and books shall be drawn from the library of each township for the use of such district; but the district shall have access to but one such library at the same time, and the said inspectors shall establish the order in which books shall be drawn from each township library: *Provided*, That no books shall be drawn from any township library by any district having a district library; but such district shall be entitled to its just proportion of books from the library of any township in which it is partly situated, to be added to the district library, and also to its equitable share of any library moneys raised or received by any such township.³

District library.

¹ Vide note to section 16 of this act.

² As amended by Act 157 of 1880, p. 151, section 5.

³ Vide note to section 5 of this act.

(3652.) SEC. 83. Such school districts already formed from two or more townships shall continue to be governed by the regulations already established according to law, in relation to the annual reports, and the drawing of books from the township libraries, subject to such changes as may be made in respect thereto by the said inspectors, in conformity with the preceding provisions.

Districts formed from two or more townships, how regulated.

(3653.) SEC. 84. The full amount of all taxes to be levied upon the taxable property in such district shall be certified by the district board to the supervisor of each of such townships, and each of said supervisors shall certify to each other supervisor within whose township such district is in part situated, the amount of taxable property in that part of the district lying in his township; and such supervisors shall respectively ascertain the proportion of such taxes, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

Amount of taxes, how certified and apportioned.

SEC. 85.¹

SEC. 86.¹

SEC. 87.¹

SEC. 88.¹

SEC. 89.¹

SEC. 90.¹

(3654.) SEC. 91. The whole number of meetings of the township board of inspectors during any one year, at the expense of the township, shall not exceed four, and the township clerk shall give at least ten days' public notice of any meeting of the board, by posting such notice in three public places in the township.²

19 Mich. 830.

SEC. 92.³

SEC. 93.³

(3655.) SEC. 94. It shall be the duty of the board of inspectors to render to the township board, on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and disbursed by them as such inspectors during the year, which account shall be settled by said township board, and such disbursements allowed, if the proper vouchers are presented.

Inspectors to account to township board.

SEC. 95.⁴

CERTAIN DUTIES OF TOWNSHIP CLERK.

(3656.) SEC. 96. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall attend

Clerk of board of inspectors.

¹ Repealed. Vide note to section 74 of this act.

² As amended by Act 55 of the Laws of 1867, p. 74.

³ Repealed by Act 161 of the Laws of 1859, p. 446.

⁴ Repealed by Act 247 of the Laws of 1859, p. 1046.

all meetings of said board, and, under their direction, prepare all their reports and record the same, and shall record all their proceedings, including the names of teachers to whom certificates shall have been given, with the date of each certificate, and the name of each teacher whose certificate shall have been annulled, with the date of such annulment.

Township clerk
to apportion
school moneys.

(3657.) SEC. 97. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, he shall apportion the same amongst the several districts therein entitled to the same, in proportion to the number of children in each, between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year last closed.¹

Apportionment
of moneys.

(3658.) SEC. 98. Said clerk shall also apportion to the school-districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources, for the support of schools, and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of primary school money or moneys, raised by tax, or received from other sources, is made, he shall give notice of the amount to be received by each district to the director thereof.²

Other duties of
township clerk.

Notice to direct-
or.

To keep books
and papers.

(3659.) SEC. 99. He shall receive and keep all reports to the inspectors from the directors of the several school-districts in his township, and all the books and papers belonging to the inspectors, and file such papers in his office.

To receive and
dispose of com-
munications
from superin-
tendent.

(3660.) SEC. 100. He shall receive all such communications as may be transmitted to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed therein.

To transmit in-
spectors' report.

(3661.) SEC. 101. He shall transmit to the county clerk all such reports as may be delivered to him for that purpose by the inspectors, within the time limited in this chapter.

To make map of
districts.

(3662.) SEC. 102. Each township clerk shall cause a map to be made of his township, showing by distinct lines thereon the boundaries of each school-district, and parts of school-districts therein, and shall regularly number the same thereon as established by the inspectors.

¹ Vide note to section 5 of this act.

² Vide note to section 12 of this act.

(3363.) SEC. 103. One copy of such map shall be filed by the said clerk in his office, and one other copy he shall file with the supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

To file copy of map, and deliver copy to supervisor.

(3664.) SEC. 104. The clerk shall also certify to the supervisor the amount to be assessed upon the taxable property of any school-district retaining the district school-house or other property, on the division of the district, as the same shall have been determined by the inspectors, and he shall also certify the same to the director of such district, and to the director of the district entitled thereto.

To certify amount to be collected on division of a district.

(3665.) SEC. 105. Said clerk shall also be the township librarian, and as such shall have the custody of the township library; and he shall do and execute all such other acts and things pertaining to his office as may be required of him by the inspectors.

Clerk to be librarian.

TAXES FOR SCHOOL PURPOSES.

(3666.) SEC. 106. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this chapter, chargeable against such district or township, upon the taxable property of the district or township respectively, as equalized by the board of supervisors, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer in the same manner and for the same compensation as township taxes.¹

Assessment and collection of school taxes voted.

(3667.) SEC. 107. The supervisor shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and report the aggregate valuation of each district to the township clerk; and so much of the said tax as the qualified electors of said township shall decide, by a majority vote, at the annual township meeting, shall be applied to the purchase of books for the township library, according to the provisions of law, and the remainder shall be apportioned by the township clerk to the districts in which it was raised for the support of schools therein; and all moneys collected by virtue of this act during the year, on any property not included in any organized district, or in districts not having, during the previous school year, three months school in districts having less than thirty children,

Assessment of two-mill tax, and how applied.

¹ Vide note to section 16 of this act.

When moneys accrued under two mill tax, shall belong to district.

Statement to be delivered to treasurer with warrant, etc.

Disposal of tax funds in hands of treasurer.
19 Mich. 218.

Township treasurer to apply to county treasurer for moneys, etc.

County clerk to receive and dispose of communications from superintendent.

County clerk to report to superintendent.

or five months school in districts having thirty and less than eight hundred children, or nine months school in districts having eight hundred or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township, in the same manner as the primary school moneys are now apportioned. All moneys accruing from the two-mill tax in any township, before any district shall have a legal school therein, shall belong to the districts in which it was raised, when they shall severally have had a three months school by a qualified teacher.¹

(3668.) SEC. 108. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this chapter upon the taxable property of any district, with the amount payable to such person on account thereof.²

(3669.) SEC. 109. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of the school taxes on the assessment roll, and hold the same, subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.³

(3670.) SEC. 110. Said treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belonging to his township, or the districts thereof; and on receipt of the moneys to be apportioned to the districts, he shall notify the township clerk of the amount to be apportioned.

CERTAIN DUTIES OF THE COUNTY CLERK.

(3671.) SEC. 111. It shall be the duty of each county clerk to receive all such communications as may be directed to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed by said Superintendent.

(3672.) SEC. 112. The clerk of each county shall, immediately after receiving the annual reports of the several boards of school inspectors, transmit to the Superintendent of Public Instruction

¹ Vide note to section 21 of this act.

² See the act of April 2, 1850, following.

³ Vide note to section 12 of this act.

one of the duplicate reports of each of the said several boards, and the other he shall file in his office; and on receiving notice from the Superintendent of the amount of moneys apportioned to the several townships in his county, he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.¹

Notice of school moneys apportioned.

SEC. 113.²

LIBRARIES.

(3673.) SEC. 114. A township library shall be maintained in each organized township in this State, which shall be the property of the township; and the parents and guardians of all children therein, between the ages of five and twenty years, shall be permitted to use books from such library without charge, being responsible to the township for the safe return thereof, and for any injury done thereto, according to such rules and regulations as are or may be established by the board of school inspectors of the township: *Provided*, That no township in which the township library has been distributed into district libraries shall be required to maintain thereafter a township library: *And provided also*, That the school inspectors of any township may equitably divide the township libraries into district libraries whenever requested by a vote of a majority of the districts in the township.³

Township libraries to be maintained.

Proviso.

Proviso.

(3674.) SEC. 115. The books in such library shall, once in three months, be distributed by the township librarian among the several school districts of the township, in proportion to the number of children in each between the ages aforesaid, as the same shall appear by the last report of the director thereof; and said books shall be drawn and returned by the several directors for their respective districts.⁴

Books to be drawn once in three months, and returned by directors.

(3675.) SEC. 116. The clear proceeds of all fines for any breach of the penal laws of this State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemption from military duty, when collected in any county, and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already apportioned, shall be apportioned by the county treasurer between the first and tenth days of April in each year among the several townships in the county, according to the

Proceeds of fines etc., to be apportioned for the purchase of books. Const. Art. 18, Sec. 13. 8 Mich. 292.

¹ As amended by Act 157 of 1850, p. 151, section 6.

² Repealed. Laws of 1850, p. 151, section 7.

³ Vide note to section 5 of this act.

⁴ See act of April 2, 1850, following.

number of children therein between the ages of five and twenty years, as shown by the last annual statement of the county clerk on file in his office, which money shall be applied to the purchase of books for the township or district libraries, and for no other purpose.¹

Director to distribute books of district library, and collect damages for injury done to, and books belonging to, township library.

(3676.) SEC. 117. In each district in which a district library has been established, the director shall, as the librarian of the district, distribute the books therein to the children of his district of proper age, and shall collect from the parents or guardians of such children, all such damages as they may respectively become liable to pay on account of any injury done to, or loss of, or neglect to return any of such books, or any books belonging to the township library, pursuant to such rules and regulations as shall be prescribed by the board of school inspectors.

Damages to books, how collected and applied.

(3677.) SEC. 118. If such damages shall have occurred by reason of any injury to, or loss of, or neglect to return any books belonging to the township library, they shall be collected in the name of the township, and paid into the township treasury for the benefit of such township library, and if the same shall have accrued by reason of any injury to, or loss of, or neglect to return any books belonging to the district library, the same shall be collected in the name of the district, for the benefit of the district library.

DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

Interest of school fund to be distributed.

(3678.) SEC. 119. The interest of the primary school fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable, in each year, for the support of primary schools in the several townships in this State, from which reports have been received by the Superintendent of Public Instruction, in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in such townships between the ages of five and twenty years; and the same shall be payable, on the warrant of the Auditor General, to the treasurers of the several counties.¹

Payable to county treasurer on warrant of Auditor General.

County treasurer to receive moneys and notify clerk of each township.

(3679.) SEC. 120. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due; and each of said treasurers shall immediately give notice to the treasurer and clerk of each township in his county, of the amount of school moneys apportioned to his township, and shall hold the same subject to the order of the township treasurer.

¹ Vide note to section 5 of this act.

(3680.) SEC. 121. That no school district shall apply any of the moneys received by it from the primary school fund, or from any or all other sources, for the support and maintenance of any school of a sectarian character, whether the same be under the control of any religious society or made sectarian by the school district board.¹

Sectarian schools
barred from
school fund.

SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

(3681.) SEC. 122. Justices of the peace shall have jurisdiction in all cases of assumpsit, debt, covenant, and trespass on the case against school districts, when the amount claimed, or matter in controversy, shall not exceed one hundred dollars; and the parties shall have the same right of appeal as in other cases.

Justices to have
jurisdiction in
certain cases.

(3682.) SEC. 123. When any suit shall be brought against a school district, it shall be commenced by summons, a copy of which shall be left with the assessor of the district at least eight days before the return day thereof.

Suit against dis-
trict, how com-
menced.

(3683.) SEC. 124. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this chapter.

No execution to
issue against
district.

(3684.) SEC. 125. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the assessor of the district shall certify to the supervisor of the township and to the director of the district, the date and amount of such judgment, with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the assessor shall certify the same as aforesaid, immediately after the final determination thereof against the district.

Judgments
against district
to be certified to
supervisor by
assessor.

(3685.) SEC. 126. If the assessor shall fail to certify the judgment as required in the preceding section, it shall be lawful for the party obtaining the same, his executors, administrators, or assigns, to file with the supervisor the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by the assessor.

If assessor fails
to certify, party
may get certifi-
cate from justice
or clerk.

(3686.) SEC. 127. If the district against whom any such judgment shall be rendered is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid to the

If district in two
or more town-
ships, certificate
to be made to
supervisor of
each.

¹ As restored by Act 64 of the Laws of 1867, p. 89, approved and took effect March 19, 1867.

supervisor of each township in which such district is in part situated.

Supervisors to assess amount of judgment and interest; how collected and returned.

(3687.) SEC. 128. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll in the column for school taxes; and the same proceedings shall be had, and the same shall be collected and returned in the same manner, as other district taxes.

PENALTIES AND LIABILITIES.

Penalty for neglecting to serve notice of first meeting, etc.

(3688.) SEC. 129. Every taxable inhabitant receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return such notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty on district officers for neglect, etc.

(3689.) SEC. 130. Every person duly elected to the office of moderator, director, or assessor of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Penalty on inspectors for not qualifying or neglecting duty.

(3690.) SEC. 131. Every person duly elected or appointed a school inspector, who shall neglect or refuse, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

Board of school inspectors liable for neglect.

(3691.) SEC. 132. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk their annual report to the county clerk, as required in this chapter, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case.

Township clerk neglecting to transmit reports, liable for amount lost.

(3692.) SEC. 133. If any township clerk shall neglect or refuse to transmit the report mentioned in the preceding section to the county clerk, as required in this chapter, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

(3693.) SEC. 134. Every county clerk who shall neglect or refuse to transmit the report required in this chapter, to be made by him to the Superintendent of Public Instruction, within the time therefor limited, shall be liable to pay to each township the full amount which such township, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the last two preceding sections.¹

County clerk neglecting to make annual report, liable for amount lost.

(3694.) SEC. 135. All the moneys collected or received by any township treasurer under the provisions of either of the three last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Money collected on account of neglect, how disposed of.

(3695.) SEC. 136. The township board of each township shall have power, and is hereby required, to remove from office, upon satisfactory proof, after at least five days' notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys intrusted to his charge, or who shall persistently, and without sufficient cause, refuse or neglect to discharge any one of the duties of his office.²

Removal of officer for illegal use of money.

MISCELLANEOUS PROVISIONS RELATING TO PRIMARY SCHOOLS.

(3696.) SEC. 137. Any person paying taxes in a district in which he does not reside may send scholars to any district school therein, if no school is being kept in his own district, on paying a tuition equal per scholar to the last previous apportionment of primary school money; but he shall not have the right of voting in school meetings, nor shall his children be included in the census of said district.³

Rights of non-resident taxpayers.

(3697.) SEC. 138. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed, or the new district organized from such portion, shall each be entitled to such proportion of said tax as the

When district shall be divided after tax assessed and not collected, how tax collected and apportioned.

¹ As amended by Act 157 of 1850, p. 151, section 8.

² Vide note to section 5 of this act.

³ Vide note to section 16 of this act.

amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

Apportionment of public money in fractional districts.

(3698.) SEC. 139. For the purpose of apportioning the income of the primary school fund among the several townships, a district situated in part in two or more townships shall be considered as belonging to the township to which the annual report of the director is required to be made; and the district shall be numbered by the inspectors of said township.¹

SEC. 140.²

An Act to provide for the graduation of the price of tuition in school districts, and to amend an act entitled "An Act to enlarge the powers and increase the number of officers in school districts in certain cases," approved March 31, 1849.

[Approved February 18, 1850. Laws of 1850, p. 20.]

Price of tuition in school districts may be graduated by board.

(3699.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the district board in any school district in which the scholars have been or may be classified as provided in section number ninety-two or ninety-three of chapter number fifty-eight of the Revised Statutes, and the act or acts amendatory thereto, shall have power to graduate the price of tuition according to the studies pursued by the scholars respectively, in such manner as the said board shall deem just.

Rate bills; how collected in such case.

(3700.) SEC. 2. The rate bills made out in accordance with the graduation provided for in the preceding section, shall have the same force, and be collected in the same manner, as the rate bills in other cases.

SEC. 3.³

SEC. 4. This act shall take effect immediately.

An Act to amend the Revised Statutes relative to the support of primary schools and the custody of the township libraries.

[Approved April 2, 1850. Took effect June 1, 1850. Laws of 1850, p. 363.]

Taxes not assessed at proper time, and liability for not assessing.

(3701.) SECTION 1. If any taxes provided for by law for school purposes shall fail to be assessed at the proper time, the same shall be assessed in the succeeding year; and any supervisor willfully neglecting to assess any such tax shall be liable to any district for any damage occasioned thereby, to be recovered by the assessor in the name of the district, in an action of debt or on the case.⁴

¹ Vide note to section 16 of this act.

² Repealed by Act 110 of the Laws of 1869, p. 183.

³ Amends subdivision 5 of original section 92, as above given.

⁴ Vide note to preceding section 16.

(3702.) SEC. 2. The supervisor of each township, on the delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement, certified by him, of the amount of the taxes levied under section one hundred and seven of said chapter, upon any property lying within the bounds of a fractional school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said township treasurer shall pay to the township treasurer of such other township the amount of the taxes so levied and certified to him for the use of such fractional school district.

Supervisor to give statement to township treasurer of certain taxes.

(3703.) SEC. 3. Each treasurer of a township, to the clerk of which the returns of any fractional school district shall be made, shall apply to the treasurer of any other township in which any part of such fractional school district may be situate, for any money to which such district may be entitled; and when so received, it shall be certified to the township clerk, and apportioned in the same manner as other taxes for school purposes.

Town treasurer's duties.

(3704.) SEC. 4. The board of school inspectors shall have power to suspend the operation of section one hundred and fifteen of said chapter, whenever they shall be of opinion that the convenience or the interests of the people of their township will be promoted thereby, and to restore the same as in their judgment they shall think best.

School inspectors may suspend the operation of a certain section. Sec. 3674.

An Act to extend certain rights and privileges to persons who are tax-payers but not qualified voters in school districts.

[Approved February 8, 1855. Laws of 1855, p. 44.]

(3705.) SECTION 1. Every person of the age of twenty-one years, who has property liable to assessment for school taxes in any school district, and has been a resident therein three months preceding any district meeting, shall be a qualified voter in said meeting; and all persons who are entitled by the laws of this State to vote at township and county elections, and residing in said district, shall be entitled to vote on all questions arising in said district, when the raising of money by tax is not in question, and all such persons shall be eligible to office in such school district.¹

When qualified to vote and hold office.

(3706.) SEC. 2. In all cases where the board of school inspectors of any township shall form a school district therein, and where no election for school district officers shall be held, and where any

When school inspectors shall appoint district officers. 19 Mich. 203.

¹ As amended by Act 110 of the Laws of 1867, p. 146, approved March 26, 1867.

school district shall neglect or refuse to elect, at the proper time, the necessary school district officers, it shall be the duty of the township board of school inspectors of the township in which such district is situated, to appoint the officers of such district from among the male persons residing in such district, of the age of twenty-one years, who are tax-payers therein; which officers thus appointed shall severally file with the director a written acceptance of the offices to which they shall have been appointed, which shall be recorded by the director.

Acceptance,
where filed.

When district
deemed to be or-
ganized.
36 Mich. 208.

(3707.) SEC. 3. Every such school district shall be deemed duly organized when any two of the officers thus appointed shall have filed their acceptance as aforesaid; and such school district and its officers shall be entitled to all the rights, privileges, and immunities, and be subject to all the duties and liabilities, conferred upon school districts by law.

SEC. 4. This act shall take effect immediately.

An Act to provide for the purchase of copies of Webster's Unabridged Dictionary of the English language for the primary schools of this State.

[Approved February 17, 1857. Laws of 1857, p. 443.]

Superintendent
of Public In-
struction author-
ized to purchase
dictionary for
districts.

(3708.) SECTION 1. *The People of the State of Michigan enact,* That the Superintendent of Public Instruction be authorized to purchase such a number of copies of Webster's Unabridged Dictionary of the English language, at a price not exceeding four dollars per copy, as may be necessary to supply each organized school district, not hereinafter exempted from the provisions of this act, with one copy; and where there is more than one common school in a district, each school and each department thereof shall be furnished with a copy.

Supervisors to
assess tax there-
for.

(3709.) SEC. 2. The supervisors of the several townships in this State shall assess upon the taxable property of each school district, not exempted from the provisions of this act, a sum of money sufficient to supply each school and each department thereof with one copy, at the price hereinbefore mentioned; and the said tax shall be collected and returned to the State Treasury in the same manner as other State taxes.

Districts to de-
termine by vote
at next annual
meeting whether
they will avail
themselves of
this act.

(3710.) SEC. 3. Each school district in this State shall, at its next annual meeting, determine by vote whether it will avail itself of the provisions of this act; and every district which shall decide to obtain a copy of said Dictionary shall give immediate notice to the supervisor of the township in which said school district is located; or if a fractional district, said notice shall be given to the

supervisor of the township in which the school-house of such district is situated; and every supervisor thus notified shall, within thirty days thereafter, make his order on the Superintendent of Public Instruction for such number of copies of said Dictionaries as may have been thus ordered. Any school district which shall neglect to vote upon this subject at its next annual meeting, or which shall decide not to order such Dictionary, may vote at its annual meeting in eighteen hundred and fifty-eight whether it will order such Dictionary or not.

(3711.) SEC. 4. Upon the return of the tax, as hereinbefore provided, into the State Treasury, and upon the presentation of a certificate from the Superintendent of Public Instruction of the number of copies of said Dictionary purchased by him in pursuance of this act, and the sum due therefor, the Auditor General shall draw his warrant upon the State Treasurer for the amount named in said certificate; and the State Treasurer is directed to pay the amount to the holder of said warrant, out of the money collected as hereinbefore provided.

Auditor General to draw his warrant for amount named in certificate of Superintendent.

(3712.) SEC. 5. The Superintendent of Public Instruction shall, immediately on the passage of this act, cause a copy to be forwarded to each school director in the several school districts of this State.

Superintendent to forward copies of this act to school districts.

An Act for the relief of school districts.

[Approved February 7, 1855. Laws of 1855, p. 38.]

(3713.) SECTION 1. The qualified voters in any school district, having more than three hundred children between the ages of five and twenty years residing in such district, shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present any number of sites for school-houses, including a site for a union school-house, and to change the same by a similar vote at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for said school-house, that a majority of the voters of said district shall have power to instruct the district board to locate said site.¹

Voters may designate school-house sites by two-thirds vote.

(3714.) SEC. 2. Whenever a site for a school-house shall be designated, determined, or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner or owners of such site upon the compensation to

In case of disagreement upon compensation for school-house site.

¹ As amended by Act 176 of the Laws of 1861, p. 284, approved March 15, 1861.

be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from break in the chain of title, tax-sale, mortgages, levies, or any other cause, be unable to procure a perfect, unincumbered title, in fee simple, to said site, the district board of such district shall authorize one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate.¹

Board may apply
for a jury.

Contents of
application.

Jury to be sum-
moned.

(3715.) SEC. 3. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or *venire*, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in no wise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner, or justice, at the time and place therein named, not less than twenty nor more than thirty days from the time of issuing such summons or *venire*, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which said jury is summoned; which notice shall be served at least ten days before the time specified in such summons or *venire* for the jury to appear, as hereinbefore mentioned.

Owner to be
notified.

Notice in cases
where owner is
unknown.

(3716.) SEC. 4. Thirty days' previous notice of the time when and the place where such jury will assemble, shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, *non compos mentis*, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest county

¹As amended by Act 9 of the Laws of 1867, p. 10, approved and took effect February 7, 1867.

where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the district board, or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when and place where such jury will assemble, and the object for which they will assemble; or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

(3717.) SEC. 5. It shall be the duty of such judge, commissioner, or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and place specified in such summons or *venire*; and the officer who summoned the jury shall return such summons or *venire* to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner or owners of such real estate, if he was found; and if he could not be found in said county, he shall certify that fact. Either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or *venire* for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve; and the officer issuing the summons or *venire* for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, *venire*, or attachment, as courts of record or justice's court are authorized to do in civil cases.

Return of *venire*,
and the proceed-
ings thereon.

Attachment may
issue to enforce
obedience to pro-
cess.

(3718.) SEC. 6. The twelve persons selected as the jury shall be duly sworn by the judge, commissioner or justice in attendance, faithfully and impartially to inquire, ascertain, and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district; and the persons thus sworn shall constitute the jury in such case. Subpoenas for witnesses may be issued, and their attendance compelled, by such circuit judge, commissioner, or justice, in the same manner as may be done by the circuit court or by justice's court in civil cases. The jury may visit and examine the premises, and, from such examination and such other evidence as may be presented before

Jury to be sworn

Subpoena for
witnesses.

Jury to determine necessity for taking land, and compensation therefor.

them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is necessary that said real estate (describing it) should be used as a site for a school-house for such district; also stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner, or justice of the peace, shall sign and attach to, and indorse upon, the certificate thus subscribed by the said jurors, a certificate stating the time when and the place where the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate. He shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to the director, or to any member of the district board of such school district.

Court to make certificate.

Judgment; collection thereof.

(3719.) SEC. 7. Upon filing such certificates in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid.

When owner is unknown, etc., money to be deposited with county treasurer

(3720.) SEC. 8. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond, for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same as herein required: *Provided*, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of probate, as hereinafter provided.

How to be drawn from county treasurer.

(3721.) SEC. 9. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding section, such court shall, by an order or decree, adjudge and determine that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its assigns; a copy of which decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district and its assigns in fee.

On payment, court may decree that title be vested in school district.

(3722.) SEC. 10. Such school district may, at any time after making the payment or deposit hereinbefore required, enter upon and take possession of such real estate for the use of said district.

When district to take possession.

(3723.) SEC. 11. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner, or justice may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to. Such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

When jury cannot agree, proceedings may be adjourned, and new jury summoned.

Adjournments; not to exceed three months.

(3724.) SEC. 12. The district board of any school district shall have power to fix the amount of tuition to be paid by non-resident scholars attending any of the schools in said district; and in cases where there shall be a union school in any such district, to be paid by scholars attending such union school; and to make and enforce suitable by-laws and regulations for the government and management of such union school, and for the preservation of the property of such district. Such district board shall also have power to regulate and classify the studies, and prescribe the books to be used in such school.

District board may fix amount of tuition to be paid by scholars in certain cases.

(3725.) SEC. 13. No alteration shall be made in the boundaries of any school district organized under the law for graded and high

Alteration in boundaries of district.

19 Mich. 208. schools, without the consent of a majority of the trustees of said district, which consent shall be spread upon the records of the district, and placed on file in the office of the clerk of the board of school inspectors of the township of which the reports of said district are made; and districts organized under the law aforesaid shall not be restricted to nine sections of land.¹

Power of school district to borrow money for school-houses, etc.

(3726.) SEC. 14. Any school district, having the requisite number of children between the ages of five and twenty years residing in such district, shall have power and authority to borrow money to pay for a site or sites for school-houses, to erect buildings thereon and to furnish the same, by a vote of two-thirds of the qualified voters of said district, voting at any annual meeting, or special meeting duly called for that purpose: *Provided*, That the times of holding said meetings shall not be less than five days nor more than six months apart, and that such school district shall have at least one hundred children between the ages aforesaid residing therein; and that in case the number of children between the ages aforesaid does not exceed two hundred, the entire amount of such indebtedness for money borrowed shall not exceed ten thousand dollars; and in case they do not exceed three hundred, such indebtedness shall not exceed twenty thousand dollars; and in case they do not exceed four hundred, such indebtedness shall not exceed thirty thousand dollars; and that no school district shall have an indebtedness to exceed fifty thousand dollars for money thus borrowed: *Provided further*, That any school district having over fifty and under one hundred children, between the ages aforesaid, may borrow or loan not exceeding three thousand dollars.²

Proviso.

Limiting amount borrowed.

Proviso.

How money deposited with county treasurer may be drawn from him.

(3727.) SEC. 15. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order, directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein indorsed on said order, and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and

¹ As amended by Act 170 of the Laws of 1871, p. 271, approved and took effect April 17, 1871.

² As amended by Act 84 of the Laws of 1867, p. 42.

such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid [by] him.

(3728.) SEC. 16. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings. Jurors, constables, and sheriffs shall be entitled to the same fees as for like services in civil cases in the circuit court.

(3729.) SEC. 17. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or *venire* for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner or justice of the peace may attend and finish such proceedings.

(3730.) SEC. 18. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding ten per centum per annum, and payable at such time or times as the said district shall have directed.

(3731.) SEC. 19. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

SEC. 20. This act shall take effect immediately.

(3732.) SEC. 21. Whenever any school district shall have designated, selected, or established, in any manner provided by law, a school-house site, such selection, designation, or establishment shall be *prima facie* evidence to said jury of the necessity to use the site so established.¹

(3733.) SEC. 22. In case the said school-house site is incumbered by mortgage, levy, tax-sale, or otherwise, as aforesaid; the mortgagee, or other parties claiming to be interested in said title, shall severally be made a party to the procedure as aforesaid, and shall be authorized

Compensation of officers and jurors on proceedings to obtain site for school-house.

When judge or justice unable to attend, another may finish proceedings.

Bonds may be issued for money loaned.

Interest thereon

District may raise tax to pay loan.

Evidence of necessity for site.

Proceedings in case of incumbrances.

¹ As added by Act 9 of the Laws of 1867, p. 10, approved and took effect February 7, 1867.

19 Mich. 208. schools, with district, which district, and public school inspectors district are shall not

Power of school district to borrow money for school-houses, etc.

(3726.

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Proviso.

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Limiting amount borrowed.

Proviso.

How mon- posited wi county tre may be d from hin

the jury in the circuit court of circuit judge and make proof relative to the said size, or the compensation, as determined by said jury. And the said jury shall determine their several claims in the rights of the parties respectively, and may be awarded by the court the claimants as in and to the extent of the amounting against said parties. The court shall also award the amounts so awarded.

provide for a ... of any school

Michigan enact, the board of school division or commission within sixty days of the part of said school division of said board of the town- in case of frac- to the several the different who shall have such appeal, and the court or decision if in their different cause, they

making such appeal, or in case of of inspectors, a setting forth in the board or boards appellants feel them- herefrom to the shall also cause to

be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or boards of school inspectors, a bond to the people of the State of Michigan, in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said township board or boards, and also, in case of the dismissal of said appeal as frivolous, by said township board, for the payment by said appellants of all costs occasioned to the township, by reason of said appeal.

Bond shall be
executed by
appellants.

Where filed.

(3736.) SEC. 3. Upon the filing of such appeal papers and bond with the said board or boards of school inspectors, the said board or boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township a full and complete transcript of all their proceedings, actions, orders, or decisions with reference to which the appeal is taken, and of their records of the same; also, said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors; and when such returns shall by them be deemed sufficient, they shall proceed with the consideration of the appeal, at such time or times, within ten days after such return, and in such manner, and under such affirmation, amendment, or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right; or, if they may deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed, unless a majority of such township board, not members of said board or boards of school inspectors, shall so determine.

When appeal is
filed.

Duty of board of
inspectors.

When town
board deemed to
be in possession
of case, etc.

An Act to compel children to attend school.

[Approved April 15, 1871. *Laws of 1871, p. 251.*]

(3737.) SECTION 1. *The People of the State of Michigan enact,* That every parent, guardian, or other person in the State of Michigan, having control and charge [of] any child or children between

Children to be
sent to school
12 weeks in a
year.

Duty of circuit judge.

upon the filing of the certificate of the jury in the circuit court of said county, to appear before the circuit judge and make proof relative to their proportionate claims to the said site, or the compensation to be made therefor, as determined by said jury. And the said circuit judge shall, by decree, settle their several claims in accordance with the rights of the parties respectively, and may divide the sum awarded by said jury between the claimants as in his judgment will be equitable and right, rendering against said district a separate judgment for each of the amounts so awarded.¹

An Act to provide for an appeal from the board of school inspectors of any school district, to the township board.

[Approved April 5, 1869. *Laws of 1869, p. 306.*]

When electors may appeal from board of school inspectors, to township board.

(3734.) SECTION 1. *The People of the State of Michigan enact,* That whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors, to the township board or boards of the township in which such school district is situated; and in case of fractional school districts, such appeal shall be made to the several township boards of the several townships in which the different parts of said fractional school district are situated, who shall have power, and whose duty it shall be, to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from; or, if in their opinion the appeal is frivolous, or without sufficient cause, they may summarily dismiss the same.

Powers and duties of township board.

Appellants shall file with board of inspectors, statement of cause of appeal, etc.

(3735.) SEC. 2. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or in case of fractional school district, to the joint boards of school inspectors, a written statement, to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township, and shall also cause to

¹ As added by Act 9 of the Laws of 1907, p. 10, approved and took effect February 7, 1907.

be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or boards of school inspectors, a bond to the people of the State of Michigan, in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said township board or boards, and also, in case of the dismissal of said appeal as frivolous, by said township board, for the payment by said appellants of all costs occasioned to the township, by reason of said appeal.

Bond shall be
executed by
appellants.

Where filed.

(3736.) SEC. 3. Upon the filing of such appeal papers and bond with the said board or boards of school inspectors, the said board or boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township a full and complete transcript of all their proceedings, actions, orders, or decisions with reference to which the appeal is taken, and of their records of the same; also, said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors; and when such returns shall by them be deemed sufficient, they shall proceed with the consideration of the appeal, at such time or times, within ten days after such return, and in such manner, and under such affirmation, amendment, or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right; or, if they may deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed, unless a majority of such township board, not members of said board or boards of school inspectors, shall so determine.

When appeal is
filed.

Duty of board of
inspectors.

When town
board deemed to
be in possession
of case, etc.

An Act to compel children to attend school.

[Approved April 15, 1871. *Laws of 1871, p. 251.*]

(3737.) SECTION 1. *The People of the State of Michigan enact,* That every parent, guardian, or other person in the State of Michigan, having control and charge [of] any child or children between

Children to be
sent to school
12 weeks in a
year.

the ages of eight and fourteen years, shall be required to send any such child or children to a public school for a period of at least twelve weeks in each school year, commencing on the first Monday of September, in the year of our Lord one thousand eight hundred and seventy-one, at least six weeks of which shall be con-

May be excused. secutive, unless such child or children are excused from such attendance by the board of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that his bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in primary schools, or have already acquired the ordinary branches of learning taught in the public school: *Provided*, In case a public school shall not be taught for three months during the year, within two miles by the nearest traveled road of the residence of any person within the school district, he shall not be liable to the provisions of this act.

Notice of this law to be posted (3738.) SEC. 2. It shall be the duty of the director of every school district, and president of every school board within this State, to cause to be posted three notices of this law in the most public places in such district, or published in one newspaper in the township, for three weeks during the month of August in each year, the expense of such publication to be paid out of the funds of said district.

Penalty for non-compliance on the part of parents and guardians. (3739.) SEC. 3. In case any parent, guardian, or other person shall fail to comply with the provisions of this act, said parent, guardian, or other person shall be liable to a fine of not less than five dollars nor more than ten dollars for the first offense, nor less than ten dollars or more than twenty dollars for the second and every subsequent offense. Said fine shall be collected by the director of said district, in the name of the district, in an action of debt or on the case, and when collected shall be paid to the assessor of the district in which the defendant resided when the offense was committed, and by him accounted for the same as money raised for school purposes.

Director or president shall prosecute. (3740.) SEC. 4. It shall be the duty of the director or president to prosecute any offense occurring under this act, and any director or president neglecting to prosecute for such fine within ten days after a written notice has been served on him by any tax-payer in said district, unless the person so complained of shall be excused by the district board, shall be liable to a fine of not less than twenty

or more than fifty dollars, which fine shall be prosecuted for and in the name of the assessor of said district; and the fine when collected shall be paid to the assessor, to be accounted for as in section three of this act.

Prosecution in name of assessor.
Fine.

An Act to provide for the use and expenditure of school moneys in certain school districts having a surplus of money from the two-mill tax.

[Approved March 20, 1863. Laws of 1863, p. 377.]

(3741.) SECTION 1. *The People of the State of Michigan enact,* That the qualified voters in any school district having a surplus of money arising from the two-mill tax, and unexpended, when assembled at any annual or special school meeting called in accordance with existing provisions of law therefor, shall have power to appropriate and use any such surplus money for any of the following purposes, to wit:

Appropriation of school money by voters.

First. For purchasing or enlarging school lot or lots;

Purposes.

Second. For building or repairing school-houses;

Third. For purchasing books for district library, maps, and other school apparatus, or any incidental expenses of the school: *Provided however,* That a school be maintained in each of said school districts at least eight months in each year: *And provided further,*

Proviso.
Further proviso.

That no money arising from the primary school fund shall be appropriated to any other purposes than that of paying teachers in any such school district.

CHAPTER CXXXVII.

GRADED AND HIGH SCHOOLS.

An Act to establish graded and high schools.

[Approved February 14, 1859. Laws of 1859, p. 446.]

- District board.** (3742.) SECTION 1. Any school district containing more than one hundred children between the ages of five and twenty years may elect a district board consisting of six trustees: *Provided*, The district shall so determine at an annual meeting, by a vote of two-thirds of the legal voters attending such meeting: *Provided also*, That the intention to take such vote shall be expressed in the notice of such annual meeting. When such a change in the district board shall have been voted, the voters at such annual meeting shall proceed immediately to elect from the qualified voters of the district two trustees for a term of one year, two for a term of two years, and two for a term of three years; and annually thereafter two trustees shall be elected, whose terms of office shall be three years and until their successors shall have been elected and filed their acceptances.¹
- Two-thirds vote required.**
- Proviso.**
- Notice.**
- Terms of office.**
- Officers to be elected by board.** (3743.) SEC. 2. Within ten days after their election such trustees shall file with the director a written acceptance of the office to which they have been elected, and shall annually elect from their own number a moderator, a director, and assessor, and for cause may remove the same and may appoint others of their own number in their places, who shall perform the duties prescribed by law for

¹ As amended by Act 259 of the Laws of 1861, p. 538, approved March 16, 1861.

such officers in the primary school districts in this State, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report shall appoint the said officers from the number of said trustees.¹

(3744.) SEC. 3. Said trustees shall have power to classify and grade the scholars in such district, and cause them to be taught in such schools or departments as they may deem expedient; to establish in said district a high school, when ordered by a vote of the district at any annual meeting, and to determine the qualifications for admission to such school, and the prices to be paid for tuition in any branches taught therein; to employ all teachers necessary for the several schools of said district; to prescribe courses of studies and text-books for the use of said schools, and to make such rules and regulations as they may think needful for the government of the schools and for the preservation of the property of the district; and also to determine the rates for tuition to be paid by non-resident pupils attending any school in said district.

(3745.) SEC. 4. The said trustees shall present, at each annual meeting, a statement in writing of all receipts and expenditures on behalf of the district for the preceding year, and of all funds then on hand, and an estimate of the amounts necessary to be raised by the district for purposes other than those for which the district board are to make the estimates, under section twenty-four of the primary school law (which estimate shall be made in the same manner by said trustees); and the district may, at any regular meeting, vote such taxes upon the taxable property of the district as may be required, and as school districts are allowed by law to raise.²

(3746.) SEC. 5. Whenever two or more contiguous districts, having together more than two hundred children between the ages of five and twenty years, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts, determine to unite for the purpose of establishing graded or high schools under the provisions of this act, the school inspectors of

¹ As amended by Act 259 of the Laws of 1861, p. 553, approved March 16, 1861.

² As amended by Act 170 of the Laws of 1871, p. 271, approved and took effect April 17, 1871.

Union of districts.

the township or townships in which such districts may be situated shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint, as soon as practicable, a time and place for a meeting of the new district, and shall require notices of the same to be posted in each of the districts so united at least five days before the time of such meeting, and at such meeting the district shall elect a board of trustees, as provided in section one of this act, and may do whatever business may be done at any annual meeting.¹

Sections repealed

(3747.) SEC. 6. Sections ninety-two and ninety-three of chapter seventy-eight of the Compiled Laws are hereby repealed.

SEC. 7. This act shall take immediate effect.

CHAPTER CXXXVIII.

SCHOOL DISTRICT LIBRARIES.

An Act to provide for the establishment of school district libraries.

[Approved February 15, 1859. Laws of 1859, p. 571.]

District libraries; how established.

(3748.) SECTION 1. *The People of the State of Michigan enact,* That at the annual town meetings to be held in April next, the legal voters, voting in the respective townships of the State, shall determine by ballot for the continuance of the township library, or for the establishment of district libraries in the place thereof. A separate box shall be kept for these votes, and the ballots shall have written or printed thereon, "Township library," or "District libraries." If a majority of the ballots so cast in any township shall have "Township library" thereon, the library shall remain as before; but if the majority of the ballots shall have "District libraries" thereon, then the township inspectors, at their next meeting thereafter, shall proceed to divide the township library equi-

Duty of township inspectors.

¹Vide note to section 1 of this act.

tably among the districts and parts of districts in such township, in proportion to the number of children of legal school ages therein ; and shall deliver the same to the district boards of the districts to which they may be apportioned. Said books shall thereafter belong to the respective districts, and shall constitute district libraries for the use of the residents of such districts.

(3749.) SEC. 2. The district board shall be held accountable for the proper care and preservation of the district library, and shall have power to provide for the safe keeping of the same, to prescribe the time for taking and returning books, and to assess and collect all fines and penalties for the loss or injury of said books. The district board shall appoint a librarian, and determine the place where the library shall be kept; but in all cases in which the library may be properly secured at the district school-house, it shall be kept at such school-house.

District board to have management of library.

Where kept.

(3750.) SEC. 3. The library moneys belonging to any township so determining in favor of district libraries, or which may hereafter belong to such township, shall be apportioned among the several districts thereof, in the same manner as the primary school moneys are apportioned, and shall be expended by the district board in purchasing books for the district libraries.

Library money, how disposed of

(3751.) SEC. 4. It shall be the duty of the State Board of Education to make a list of books which are unsectarian in character, and suitable for district or township libraries, which list they may, from time to time, revise and amend ; to advertise for proposals for furnishing the same, and to contract with the lowest responsible bidder to furnish such books to the districts or townships ordering them, in suitable binding and at stipulated prices ; said contract to be made biennially, and the advertisements for proposals to be made in at least two papers of the largest circulation in the State, for one month before making the contract. Previous to the first day of January in each year, the Superintendent of Public Instruction shall send to the director of each district having a district library, and the clerk of each township having a township library, a list of the books contracted for, with the prices of the same, from which list the district board, or township board of inspectors, shall, unless a different order shall have been made by the voters of the district or township, annually, or oftener, select and purchase books for the district or township libraries, to the full amount of library moneys in their hands.¹

Duty of State Board of Education.

Selection of books.

¹ As amended by Act 188 of the Laws of 1868, p. 194, approved and took effect March 18, 1868.

Books furnished
and forwarded.

(3752.) SEC. 5. It shall be the duty of contractors to furnish, at the prices contracted for, the books so selected for the libraries, and cause them to be forwarded to such points on any main thoroughfare as the district or township board may direct.

Re-establish-
ment of town-
ship libraries.

(3753.) SEC. 6. In any township which shall have divided its township library among the several school districts, as provided for in section one of this act, the board of school inspectors may, by resolution, order the question of re-establishing the township library to be submitted to the legal voters voting in the respective townships of the State. When the said board shall so order, the township clerk shall give at least ten days' notice of such submission, by posting up the same in three of the most public places in said township ten days before any regular township meeting. At such township meeting, the electors of said township shall vote upon the said proposition in the same manner as provided for in section one of this act; and if a majority shall vote in favor of township library, the same shall be re-established, and the several school district officers shall return all library books in their possession to the office of the township clerk in their respective townships: *Provided*, That this act shall not apply to districts voting at their annual meeting to retain their respective libraries.¹

Notice.

Provido.

(3754.) SEC. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 8. This act shall take immediate effect.

An Act to provide for the safe keeping of public libraries.

[Approved March 22, 1869. Laws of 1869, p. 102.]

Contract may be
entered into for
safe keeping.

(3755.) SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any persons or board intrusted by law with the control of town or other public libraries, to lease a suitable room or rooms for the accommodation thereof, or to contract with any incorporated polytechnic, or literary, or scientific association, for the safe keeping of any such library in the rooms or buildings of any such association, for such period as may be agreed upon: *Provided*, Such library shall continue under the control of the persons or board intrusted with the same by law: *And provided also*, That no such association shall thereby obtain any interest in the ownership of such library, or in the funds provided for

Provido.

Ibid.

¹ As added by Act 108 of the Laws of 1871, p. 166, approved and took effect April 18, 1871.

its support, and that no further restriction shall be placed upon the free use thereof, by the public, than would be imposed had no such arrangement been made.

CHAPTER CXXXIX.

COUNTY SUPERINTENDENTS OF SCHOOLS.

An Act to provide for county superintendents of schools, and to amend section ninety-one, and repeal sections seventy-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety, of chapter seventy-eight of Compiled Laws.

[Approved March 13, 1867. Laws of 1867, p. 74.]

(3756.) SECTION 1. *The People of the State of Michigan enact,* ^{Superintendent of schools.} That there shall be a county superintendent of common schools in each organized county of this State, except as hereinafter provided, whose term of service shall be two years.

(3757.) SEC. 2. The first election of the county superintendent ^{His election.} shall be held on the first Monday of April, one thousand eight hundred and sixty-seven, and every two years thereafter. The election ^{How conducted.} provided for by this act shall be conducted, as near as may be, in the same manner and by the same officers, and the inspectors of election shall make the same canvass, statement, and returns as is provided by law for the election of a Judge of the Supreme Court; and said superintendent shall be voted for on the same ballot as the Judge aforesaid; and the board of county canvassers shall determine and declare the person thus elected to the office of county superintendent.

(3758.) SEC. 3. A certificate of election shall be immediately ^{Election of county superintendent.} issued by the county board of canvassers to the person so elected to

- Oath of office.** the office of county superintendent, who shall, within twenty days thereafter, take and subscribe the oath of office prescribed by the Constitution of this State, and deposit the same with the county clerk, to be filed and preserved in his office, when it shall be the duty of the county clerk to report the name and postoffice address of the county superintendent to the Superintendent of Public Instruction; and the county superintendent thus elected shall enter upon the duties of his office on the first day of May following, and shall hold his office at the county seat, or at some other place to be designated by the board of supervisors.
- Location of office.**
- Compensation.** (3759.) SEC. 4. The supervisors, or a majority of them, present at their first regular meeting, shall determine the compensation to be paid the county superintendent, but such compensation shall not be less than three dollars nor more than five dollars for each day actually employed in the duties of his office, for such number of days as the supervisors may determine: *Provided*, That the number of days shall not be less than the number of school districts in said county, and one day for each township thereof, for the examination of teachers. The compensation of the county superintendent shall be paid quarter-yearly, from the county treasury; but before he shall be entitled to receive such compensation he shall file in the office of the county clerk a sworn statement of his account.
- Proviso.**
- Examine teachers.** (3760.) SEC. 5. The county superintendent shall examine all persons offering themselves as teachers for the public schools, and shall attend in each township in his county, at least once in each year, for that purpose; and twenty days before the time of such examinations he shall notify the township clerk of the time and place thereof, and said clerk shall immediately cause written or printed notices of the same to be posted in three or more public places in the township. He may also hold examinations at such other times and places as he may appoint; but all examinations shall be public.
- Examinations, public.**
- Licenses teachers.** (3761.) SEC. 6. He shall grant certificates, in such form as shall be prescribed by the Superintendent of Public Instruction, licensing as teachers all persons whom, on thorough and full examination, he shall deem qualified in respect to good moral character, learning, and ability to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography, and arithmetic. No person shall be accounted a qualified teacher, within the meaning of the primary school law, nor shall any school officer employ or contract with any person to teach in any of the
- Qualifications of teachers.**

public schools in this State, who has not such a certificate in force, or the certificate provided by law to be given to the graduates of the State Normal School, or the certificate of the Superintendent of Public Instruction: *Provided*, That the certificate heretofore granted by the school inspectors shall be valid for the term for which they were given, unless sooner revoked by the county superintendent, on examination: *Provided also*, That the school inspectors may examine teachers, and grant certificates, until a county superintendent is elected and qualified, and whenever there shall be a vacancy in that office; but no certificate hereafter granted by the school inspectors shall be valid beyond three months after the next subsequent election of a county superintendent.

(3762.) SEC. 7. There shall be three grades of certificates for teachers, to be granted by the county superintendent in his discretion, as follows, namely:

First. The certificate of the first grade shall be granted to no person who has not taught at least one year in this State, with approved ability and success, and it shall be valid throughout the county in and for which it was granted, for two years;

Second. The certificate of the second grade may be granted to any person of approved learning, qualifications, and character, and shall be valid throughout the county for one year;

Third. The certificate of the third grade shall license the holder thereof to teach in some one specified township, and shall not continue in force for more than six months. The county superintendent may revoke any teacher's certificate for any reasons which would have justified the withholding thereof when the same was given, or for gross neglect of duty, or for incompetency or immorality, which reasons shall not be spread upon the records of said superintendent, unless requested by the teacher; but no certificate shall be revoked without a re-examination, unless the holder of such certificate shall, after reasonable notice, neglect or refuse to appear before the superintendent for such re-examination. The superintendent shall keep a record of all the certificates granted or annulled by him, with the date, grade, and duration of each, and shall deliver such record, with all other books and papers belonging to his office, to his successor.

(3763.) SEC. 8. The Superintendent of Public Instruction, on such evidence as may be satisfactory to him, may grant certificates licensing the holders thereof as teachers duly qualified to teach in any of the primary or graded schools in this State, which certificate shall be valid until duly revoked by said Superintendent.

tion may from time to time prescribe; and they shall make reports annually to the Superintendent of Public Instruction, at such times as he may direct, of the official labor performed, and of the general condition and management of the schools under their charge, and such other information as may be required of them by the said Superintendent.

(3768.) SEC. 13. No county superintendent shall act as agent for any author, publisher, or book-seller, or shall directly or indirectly receive any gift, emolument, or reward for his influence in recommending the purchase or use of any library or school book, or school apparatus or furniture of any kind whatever. Any act herein prohibited shall be deemed a violation of his oath of office, and any employment of such superintendent by any author, publisher, or book-seller for that purpose, shall be deemed a misdemeanor.

Superintendent shall not act as agent, etc.

(3769.) SEC. 14. Whenever by death, resignation, or removal, or otherwise, the office of county superintendent shall become vacant, the State Superintendent shall have power to fill such vacancy.

Filling vacancy.

(3770.) SEC. 15. All schools which by special enactment may have a board authorized to inspect and grant certificates to the teachers employed by the same, shall be exempt from the provisions of this act, except as is provided in sections eight and eleven.

Schools exempt.

SEC. 16.¹

(3771.) SEC. 17. Sections seventy-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety, of chapter seventy-eight, of the Compiled Laws, and all other acts or parts of acts inconsistent with this act, are hereby repealed.

Acts repealed.

(3772.) SEC. 18. This act shall not take effect in any county, unless there be at least ten school districts in such county.

SEC. 19. This act shall take immediate effect.

¹ Amendatory section.

CHAPTER CXL.

STATE PUBLIC SCHOOL FOR DEPENDENT AND
NEGLECTED CHILDREN.

An Act to establish a State Public School for dependent and neglected children.

[Approved April 17, 1871. *Laws of 1871, p. 280.*]

Appointment of
commissioners
to select site,
etc.

(3773.) SECTION 1. *The People of the State of Michigan enact,* That the Governor shall appoint three commissioners, for the purpose of selecting a suitable site and erecting thereon buildings for a State School or temporary home for dependent and neglected children, such institution to be known as the "State Public School."

Powers of com-
missioners.

(3774.) SEC. 2. The said commissioners shall have power to receive proposals for the donation of land to the State for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that purpose, and they may receive proposals for donations of money or other securities, in behalf of this State, for the benefit of such School, and they may locate the same at such point as they shall deem for the best interests of this State. They shall receive no pay for their services under this act, except their traveling and other official expenses. That the Governor shall be *ex officio* a member of said board.

Compensation.

Governor ex
officio member.

Payment for
site and deeds
for same.

(3775.) SEC. 3. That the deeds for such site shall be duly executed to the people of this State and delivered to the Auditor General, and the State Treasurer thereupon is hereby directed to pay, on the warrant of the Auditor General, to such grantor of

whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site:

Provided, That not over two thousand dollars shall be paid for Proviso.

that purpose. That said commissioners shall at their first meeting appoint from their number a secretary and treasurer. Secretary and treasurer.

(3776.) SEC. 4. That the sum of fifteen thousand dollars for Appropriation. the year eighteen hundred and seventy-two, and fifteen thousand dollars for the year eighteen hundred and seventy-three, is hereby appropriated for the purpose of carrying into effect the provisions of this act, which said sums the Auditor General shall add to and Provisions to meet appropriation. incorporate in the State tax for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two, and, when collected, shall be passed to the credit of the State Public School fund, and may be drawn by the treasurer of said commissioners upon warrants made by their secretary, approved by commissioners, and countersigned by the Governor.

(3777.) SEC. 5. It shall be the duty of the secretary of said commissioners to render, quarter-yearly, to the Auditor General, Quarterly account to Auditor General. accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said commissioners unless they shall have first filed Condition precedent to drawing money. with the Auditor General an estimate and statement, showing the purpose for which such money is required.

(3778.) SEC. 6. The said commissioners shall have the superintendence of the grounds, and the design and construction of the necessary buildings, with power to appoint an architect, superintendent, and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the Governor. The principal building shall have a capacity for not less than one hundred children. Superintendence of construction, etc. Capacity of building.

(3779.) SEC. 7. Said commissioners, before they enter upon the duties of their office, shall each take and subscribe the constitutional oath of office, and file the same in the office of the Secretary of State, and the treasurer of said commissioners shall give his bond to the people of this State in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the Governor; conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act. Oath of office. Bond of treasurer.

(3780.) SEC. 8. When the State Public School shall be finished, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the Governor, who shall Certificate of completion.

Public notice of same and temporary control of school.	thereupon give public notice that the same is ready for the reception of dependent and neglected children. That after the completion of State Public School building, and until the last day of the session of the Legislature next succeeding such completion, said commissioners shall have the control and government of said State Public School, with the same authority and duties as are given to the board named in section nine of this act.
Appointment of board of control.	(3781.) SEC. 9. The general supervision and government of said State Public School shall be vested in a board of control, to consist of three members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, the members of
Term of office.	which board shall hold their offices for the respective terms of two, four, and six years, from the last day of the session of the Legislature next after the completion of said State Public School building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments; and thereafter there shall be one of said board appointed every two years, whose term of office shall continue for six years, or until his successor is appointed and qualified. The members of
Corporate name and rights.	said board shall constitute a body corporate, under the name and style of the "Board of Control of the State Public School," with the right of suing and being sued, of making and using a common seal, and altering it at pleasure. That said board of control shall have the power of taking and holding by purchase, gift, donation, devise, or bequest, real or personal estate to be applied to the use of the institution.
Annual meeting.	(3782.) SEC. 10. It shall be the duty of the members of said board of control to meet annually at the State Public School on the second Wednesday of May in each year, and at said annual meeting they shall elect outside of their own body a treasurer, who shall hold his office for one year and until his successor shall be elected and qualified. The treasurer of said board of control shall give his bond to the people of this State, in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act. It shall be their duty to meet once in four months on their own adjournments, and oftener if they shall deem
Bond of treasurer.	advisable. They shall establish a system of government, and make all necessary rules and regulations for said school for enforcing discipline, for imparting instruction, for preserving health, and generally for the proper physical, intellectual, and moral training
Special meetings	
Government of school.	

of the children in such school. They shall appoint a superintendent and matron for said school, and all other such officers, teachers, and servants as they shall deem best, and prescribe their several duties and fix the compensation for their services, subject to the approval of the Governor.

(3783.) SEC. 11. There shall be received as pupils in such school those children that are over four and under sixteen years of age, that are in suitable condition of body and mind to receive instruction, who are neglected and dependent, especially those who are now maintained in the county poorhouses, those who have been abandoned by their parents, or are orphans, or whose parents have been convicted of crime. The said board of control shall have power to receive any child under the age of four years or over sixteen years of age, and may reject any between the ages of five and sixteen years of age, whom they may for any cause deem improper inmates of such school. No pupil shall be retained in said school after arriving at the age of sixteen years, unless by consent of said board of control.

(3784.) SEC. 12. The children in such school shall be maintained and educated in the branches usually taught in common schools, and shall have proper physical and moral training.

(3785.) SEC. 13. It is declared to be the object of this act to provide for such children only temporary homes until homes can be procured for them in families. It shall be the duty of such board of control to use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families on condition that their education shall be provided for in the public schools of the town or city where they may reside. That said board of control are hereby made the legal guardians of all the children who may become inmates of said school, with authority to bind out any child to a pursuit or trade during minority, under a contract insuring the child kind and proper treatment and a fair elementary education.

(3786.) SEC. 14. That whenever there shall be sufficient room for the reception of the class of children described in this act, in such State Public School, no such children shall hereafter be maintained in county poorhouses. That in receiving such children into such School, preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers and sailors of this State.

Officers of school

Reception and continuance of pupils, and discretion of board in relation thereto.

Maintenance and education.

Object of act. Board to provide homes for pupils in families.

Board legal guardian of pupils.

Children not to be kept in poorhouses.

Soldiers' orphans to have preference.

Superintendents
of poor and su-
pervisors to for-
ward children.

(3787.) SEC. 15. It shall be the duty of the superintendents of the poor of each county, and the authority is also granted to the supervisor of any town or ward, to forward to such School, at the expense of the county to which such children belong, such children in any poorhouse, or any others that are neglected and dependent, belonging to such county, which children shall be admitted to such School on the certificates of the superintendents of the poor, or on that of any supervisor, showing that such children are entitled to admittance.

CHAPTER CXLI.

REPORTS FROM INCORPORATED ACADEMIES AND OTHER LITERARY INSTITUTIONS.

An Act requiring certain returns to be made from incorporated academies and other literary institutions.

[Approved March 4, 1839. Laws of 1839, p. 15.]

Report to be
made to Super-
intendent of
Public Instruc-
tion.

(3788.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the president of the board of trustees of every organized academy, or literary or collegiate institution, heretofore incorporated or hereafter to be incorporated, to cause to be made out by the principal instructor, or other proper officer, and forwarded, by mail or otherwise, to the office of the Superintendent of Public Instruction, between the first and fifteenth days of December, in each year, a report, setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued, and the books used, the course of instruction, the

Contents of re-
port.

terms of tuition, and such other matters as may be specially requested by said Superintendent, or as may be deemed proper by the president or principal of such academies or institutes, to enable the Superintendent of Public Instruction to lay before the Legislature a fair and full exhibit of the affairs and condition of said institutions.

CHAPTER CXLII.

TEACHERS' INSTITUTES.

An Act to establish teachers' Institutes.

[Approved February 10, 1855. Laws of 1855, p. 137. As amended by Act 239, Laws of 1861, p. 439.]

(3789.) SECTION 1. *The People of the State of Michigan enact,* When Superintendent to appoint and make arrangements for Institutes. That whenever reasonable assurance shall be given to the Superintendent of Public Instruction that a number not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five teachers of common schools shall desire to assemble for the purpose of forming a teachers' institute, and to remain in session not less than five working days, said Superintendent is authorized to appoint a time and place for holding such institute, to make suitable arrangements therefor, and give due notice thereof.

(3790.) SEC. 2. For the purpose of defraying the expense of rooms, Expenses. fires, attendance, or other necessary charges, and for procuring teachers and lecturers, the Auditor General shall, upon the certificate of the Superintendent of Public Instruction that he has made arrangements for holding such institute, draw his warrant upon the How drawn. State Treasurer for such sum as said Superintendent shall deem necessary for conducting such institute, which sum shall not

Amount.	exceed one hundred dollars for each institute of five days' duration, and shall be paid out of the general fund.
Inability of Superintendent.	(3791.) SEC. 3. Said Superintendent, in case of inability personally to conduct any institute or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person or persons for that purpose: <i>Provided</i> , That not more than eighteen hundred dollars shall be drawn from the Treasury in any one year to meet the provisions of this act.
Proviso.	

TITLE XX.

THE PUBLIC LANDS, AND THE SUPERINTEND- ENCE AND DISPOSITION THEREOF; AND THE INTEREST OF THE STATE IN MINES AND MINERALS.

CHAPTER CXLIII. The State Land Office and the officers connected therewith.

CHAPTER CXLIV. The superintendence and disposition of the public lands.

CHAPTER CXLV. The interest of the State in mines and minerals.

CHAPTER CXLIII.

THE STATE LAND OFFICE AND THE OFFICERS CONNECTED THEREWITH.

Chapter fifty-nine of the Revised Statutes of 1846.

(3792.) SECTION 1. The State Land Office established in the village of Marshall, in the county of Calhoun, shall be continued at the place aforesaid, until otherwise provided by law.¹

(3793.) SEC. 2. The chief officer of the Land Office shall be called the Commissioner of the Land Office, *and shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of two years and until his successor shall be appointed and qualified.*²

State Land Office
1844, p. 80, etc.

Commissioner
of the State
Land Office.

¹ See Section 1 of Article 8 of Constitution, and the Act of February 18, 1855, following.

² The portion in Italics abrogated by Section 1 of Article 8 of Constitution.

His salary.

(3794.) SEC. 3. The Commissioner of the Land Office shall receive an annual salary of one thousand dollars, payable quarterly.¹

SEC. 4, 5.²

Deputy and clerk, and their salaries.

(3795.) SEC. 6. The said Commissioner shall appoint a deputy, and may also appoint one clerk, if the business of his office shall require it. Such deputy shall receive an annual salary of six hundred dollars, and such clerk shall receive an annual salary not exceeding five hundred dollars, payable quarterly.³

Deputy and clerk to take oath; Commissioner responsible for their acts.

(3796.) SEC. 7. Said deputy and clerk shall severally, before entering upon the duties of their office, take and subscribe the Constitutional oath of office, and cause the same to be filed with the Secretary of State, and the Commissioner may remove them, or either of them, at his pleasure, and the said Commissioner and his sureties shall be responsible for their official acts.

Commissioner to keep record of sales, etc.

(3797.) SEC. 8. The Commissioner shall keep a record of the sales of lands, and of the moneys received by him on account either of principal or interest, the date of such sale or payment, the description of the lands sold, with the number of acres thereof, and the name of each purchaser, or person paying such moneys, to whom he shall give a receipt for such moneys, and shall credit the proper fund therewith.⁴

SEC. 9, 10.⁵

Commissioner to have charge of lands.
7 Mich. 866.

(3798.) SEC. 11. The said Commissioner shall have the general charge and supervision of all lands belonging to the State, or which may hereafter become its property, and also of all lands in which the State has an interest, or which are or may be held in trust by the State for any purpose mentioned in this title, and may superintend, lease, sell, and dispose of the same in such manner as shall be directed by law.

Annual report of Commissioner.

(3799.) SEC. 12. He shall annually make a report to the Legislature of his official proceedings, showing the quantity of land sold or leased, and the amount received therefor; the amount of interest moneys received to the credit of the several funds, and all such other matters relating to his office as he may think proper to communicate.

SEC. 13, 14, 15, 16, 17.⁶

¹ Salary reduced to \$800 by Article 9 of Constitution.

² These sections related to the giving of an official bond by the Commissioner, and are repealed by Section 2 of the Act of February 18, 1855, following.

³ As amended by Act 180 of 1851. Laws of 1851, p. 166. See general section 420, as to salary.

⁴ See 2 section of the act of February 18, 1855, following.

⁵ Abrogated by section 2 of the act of February 18, 1855.

⁶ These sections provided for the appointment of a Recorder of the Land Office, and specified his duties. The office was abolished by the act of March 31, 1849. Laws of 1849, p. 203.

An Act to amend an act to provide for the removal of the State Land Office to the seat of government, and to revive certain laws relative to the same.¹

[Approved April 1, 1850. *Laws of 1850, p. 216.*]

(3800.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section five of an act to provide for the removal of the State Land Office to the seat of government, approved March thirty-one, eighteen hundred and forty-nine, be and the same is hereby repealed; and the office denominated "The Land Office of the State of Michigan," in the act entitled "An act to organize a Land Office and to regulate the sale of the public lands," approved March six, eighteen hundred and forty-three,² be and the same is hereby re-established, the chief officer of which shall be called the Commissioner of the Land Office, as provided for in said last-mentioned act.

Section 5 of Act No. 28 of 1849, repealed.

Land Office re-established.

(3801.) SEC. 2. All the laws relative to the State Land Office which were in force at the time when the act to which this is amendatory took effect, not contravening the provisions of this act, or the act to which this is amendatory, are hereby revived, and shall be, after the passage of this act, in full force.

Acts revived.

SEC. 3.³

SEC. 4. This act shall take effect from and after its passage.

An Act to revise an act entitled "An act to provide for the removal of the State Land Office to the seat of government," approved March 31, 1849.

[Approved February 13, 1855. *Laws of 1855, p. 349.*]

(3082.) SECTION 1. *The People of the State of Michigan enact,* That the State Land Office shall be and remain where now established, at Lansing.

Office to remain at Lansing.

(3803.) SEC. 2. No official bond shall hereafter be required of the Commissioner of the State Land Office, and all moneys heretofore required to be received by him, shall hereafter be received by the State Treasurer (except as herein provided), who shall in all cases give receipts for the same, which receipts shall be countersigned by the Auditor General, as in other cases.

No bond required of Commissioner.

State Treasurer to receive moneys.

(3804.) SEC. 3. All accounts for the incidental expenses of said office, for surveys of lands, for necessary maps, plats, or charts, improvements at Lansing, and all other accounts and charges heretofore allowed and paid by the Commissioner, shall hereafter be

Accounts for expenses of office, etc., to be audited by State Auditors upon certificate of Commissioner.

¹ See the act next following, which revives the act here amended.

² The act of March 6, 1848, was repealed by the Revised Statutes of 1948.

³ Repealed by section 12 of the Act of February 18, 1855, following.

audited by the Board of State Auditors, on the certificate of the Commissioner, and when so audited and allowed, shall be paid from the State Treasury, on the warrant of the Auditor General, drawn against the proper fund.

Purchasers of trust fund, etc., lands may pay to county treasurer

Treasurer to give receipts specifying, etc.

County clerk to countersign; force and effect of same.

Provido.

Bond to the State.

Sureties, how approved.

Duplicate receipts to be made.

One to be deposited with county clerk.

Duty of county clerk with respect thereto.

(3805.) SEC. 4. The purchasers of any of the trust fund or swamp lands, their assignees, agents, or attorneys, may pay to the treasurer of the county in which such lands may lie, any amount which may be due from time to time, on their several certificates, either for principal, interest, or penalty; and for the amount so paid the said county treasurer shall give to such person his receipt, specifying the amount paid, date of payment, whether for principal, interest, or penalty, or either, and the amount of each, the number of the certificate on which the same was paid, and the name of the original purchaser of the land, and the fund to which the same belongs, which receipt shall be countersigned by the clerk of the county, and when so given and countersigned shall have the same force and effect as if given by the State Treasurer: *Provided*, That no payments may be made to, nor any money received by any of the said county treasurers, after the first day of September in each year; but said purchasers shall be permitted to pay such moneys to the Commissioner of the State Land Office, at any time prior to the sale of said lands upon forfeiture, as provided by law.¹

(3806.) SEC. 5. Before any county treasurer shall receive moneys authorized to be paid to him by the preceding section, he shall execute and give to the State a bond, with good and sufficient sureties, in the amount to be fixed by the Commissioner of the State Land Office, which bond shall be conditioned for the honest and faithful discharge of all trusts and responsibilities imposed by this act, the sureties to be approved by the judge of probate and register of deeds of their respective counties.²

(3807.) SEC. 6. That the said county treasurer shall, in each and every case, issue duplicate receipts for all moneys received by him under the provisions of this act, one of which he shall, without delay, deposit with the county clerk.

(3808.) SEC. 7. The county clerk, on receiving any such duplicate receipts, shall note on the back of each the date of receiving the same, and shall also enter in a book to be procured by him at the expense of the county, the amount for which each of such

¹ As amended by Act 85 of the Laws of 1860, p. 150, approved March 30, 1860.

² As amended by Act 55 of the Laws of 1861, p. 48, approved and took effect February 16, 1861.

receipts was given, and whether the same was for principal, interest, or penalty, or either, specifying the amount of each, the number of the certificate on which the same was paid, the name of the person to whom the same was issued, the name of the fund to which the money belonged, and the date of each receipt; and on the first Monday in each and every month, the said clerk shall carefully inclose and forward all such duplicate receipts to the Commissioner of the State Land Office, as he shall direct.

(3809.) SEC. 8. The Commissioner of the State Land Office shall, on or before the fifth day of January of each year, transmit to each county treasurer to whom money may be paid under this act, a blank bond with the penal sum fixed as provided by the fifth section of this act, which bond the said treasurer shall execute and procure to be approved as heretofore provided, and return the same on or before the first day of February following, to the said commissioner, who shall file and carefully preserve the same in his office.¹

Treasurer's bonds.

(3810.) SEC. 9. On or before the first day of March, in each and every year, the Commissioner shall cause to be made out, and shall transmit to such county treasurers as have filed their bonds with him, properly executed and approved, a statement showing the classes of lands sold in that county, the number of the certificate of purchase, the name of the person to whom each certificate was issued, and the amount of both principal and interest due on each, on the first day of March; and the said Commissioner shall also transmit such directions and instructions and blanks as shall enable the said county treasurers to carry out the provisions of this act.

Statement of moneys due, etc., to be sent by Commissioner to county treasurer, with instructions and blanks.

(3811.) SEC. 10. All moneys received by the county treasurers under the provisions of this act shall be held, at all times, subject to the order and direction of the State Treasurer, for the benefit of the funds to which such moneys respectively belong; and on the first day of May in each year, and at such other times as he may be required so to do by the said State Treasurer, each county treasurer shall pay over to the State Treasurer all moneys he may have received on account of such funds.

County treasurer to pay over moneys to State Treasurer.
19 Mich. 208.

(3812.) SEC. 11. The several county treasurers who receive money under the provisions of this act are hereby authorized to charge each person to whom they may give a receipt, or of whom they may receive money, two per cent on the amount they may receive

Compensation of county treasurer for receiving moneys.

¹ As amended by Act 222 of the Laws of 1859, p. 855, approved and took effect February 15, 1859.

from each person, which shall be in full for all services rendered under this act.

Certain enact-
ments repealed.

(3813.) SEC. 12. Act number two hundred and seventeen, approved March thirty-first, eighteen hundred and forty-nine, entitled "An act to provide for the removal of the State Land Office to the seat of government," and section three of act number two hundred and fourteen, approved April first, eighteen hundred and fifty, entitled "An act to amend an act to provide for the removal of the State Land Office to the seat of government, and to revive certain laws relative to the same," are hereby repealed.

1849, p. 268.
1860, p. 216.

This act shall take immediate effect, except the ninth section thereof.

An Act to authorize and require the Commissioner of the Land Office to furnish certified copies of field notes, maps, records, and other papers pertaining to land titles, and to declare the effect thereof as evidence in suits at law or equity.

[Approved March 23, 1869. Laws of 1869, p. 112.]

Certified copies
by Commission-
er of State Land
Office.

(3814.) SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of the State Land office is hereby authorized and required, on application of any person, and on payment by such person of the fees allowed by law, to make and deliver to such person a true copy of any field notes, maps, records, or papers in his office appertaining to land titles, or to the original surveys of any of the lands in this State; and any such copy, when duly certified to by such Commissioner, under his seal of office, or the record thereof, when duly recorded in the office of the register of deeds of the proper county, may be admitted in evidence in all courts and places in which the title or boundary of any land shall come in question, and shall have the same force and effect, as evidence, as though the act of Congress approved June twelfth, in the year one thousand eight hundred and forty, entitled "An act for the discontinuance of the office of Surveyor General in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes," had named the Commissioner of the State Land Office of the respective States, instead of the Secretary of State of the respective States, as the officer to whom the Surveyor General should deliver over all the field notes, maps, records, and other papers appertaining to land titles, as in and by said act provided.

Effect of same in
evidence.

Rate of charges
for copies, etc.

(3815.) SEC. 2. *And be it further enacted,* That from and after the passage of this act, the following schedule of prices and charges shall be observed in the State Land Office, to wit:

- For field and meander notes, per township, eight dollars ; For field, etc., notes.
 For each official certificate, with seal, one dollar ; Official certificate.
 For township plats, showing vacant State lands only, each Town plats. twenty-five cents ;
 For township plats, showing vacant State lands and streams, Ibid. fifty cents ;
 For township plats, showing vacant State lands and streams, Ibid. together with names of purchasers, one dollar and fifty cents ;
 For copies of all records and papers which the Commissioner Records. may be required to furnish by law, for each one hundred words, fifteen cents ;
 For tax statements, on each description of land, per year, Statements. six cents.

(3816.) SEC. 3. The fees received for all services under this act shall be paid into the State Treasury, and credited to the general fund. Fees paid into State Treasury.

SEC. 4. This act shall take immediate effect.

CHAPTER CXLIV.

THE SUPERINTENDENCE AND DISPOSITION OF THE PUBLIC LANDS.

Chapter sixty of Revised Statutes of 1846.

UNIVERSITY AND SCHOOL LANDS.

(3817.) SECTION 1. The minimum price of the unsold and unimproved university lands shall be twelve dollars per acre, and the minimum price of the unsold and unimproved school lands shall be four dollars per acre; but no such lands shall be otherwise sold until they shall once have been offered for sale at public auction, and no such lands shall be sold for less than the aforesaid prices Minimum price of university and school lands; to be first offered at public auction 1844, p. 82, etc.

respectively, nor shall any treasury notes or warrants be received for university lands hereafter forfeited to the State.

Terms of payment.

(3818.) SEC. 2. The terms of payment on the sale of university and school lands shall be twenty-five per centum of the purchase money, to be paid at the time of the purchase, the balance of the principal at any time thereafter, at the option of the purchaser, with interest at the rate of seven per cent per annum on the unpaid balance, payable on the first day of March, or within sixty days thereafter, in each and every year, at such place or places as shall be specified in the certificate of purchase.¹

Certificate of purchase; what to contain.

(3819.) SEC. 3. At the time of the sale of any such lands, the Commissioner shall make out and deliver to the purchaser or purchasers thereof a certificate, in which the said Commissioner shall, in the name of the people of this State, certify the description of land sold, the quantity thereof, and the price per acre, the consideration paid and to be paid therefor, and the time and terms of payment.

Ibid.

(3820.) SEC. 4. The said certificate shall further set forth, that in case of the non-payment of the interest due, by the first day of March, or within sixty days thereafter, in each and every year, by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall, from the time of such failure, be utterly void and of no effect, and the said Commissioner may take possession thereof, and resell the same as is hereinafter provided.¹

When twenty per cent of principal paid, purchaser may pay balance of principal at any time thereafter at his option.

(3821.) SEC. 5. Any purchaser of university or school lands, his heirs or assigns, who shall have paid on or before the first day of March, one thousand eight hundred and forty-two, a sum equal to twenty per cent of the purchase money on his certificate, together with the interest up to said day; and any person who shall have become such purchaser since the thirteenth day of April, in the year one thousand eight hundred and forty-one, his heirs or assigns, who shall have paid according to the terms of his certificate, shall be privileged to pay the balance of principal due on his purchase at any time thereafter at his option; but in all cases the interest on the unpaid balance of principal shall be paid on or before the first day of January, or within sixty days thereafter, in each and every year; and any purchaser of the right, title, and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, shall be deemed an assignee of the person

Interest on unpaid principal, when paid.

¹ As amended by Act 90 of 1847. Laws of 1847, p. 89. See section 8321.

whose right, title, and interest was sold by virtue of such execution or mortgage.¹

(3822.) SEC. 6. In case of non-payment, either of principal or interest, when due, according to the provisions of the preceding section, or according to the terms of the certificate of sale, as the case may be, such certificate shall become void and of no effect from the time of such failure, and the Commissioner may take immediate possession thereof and resell the same. When Commissioner may take possession and resell.

(3823.) SEC. 7. The said Commissioner shall, whenever it satisfactorily appears that the chief value of any parcel of land consists of pine or other timber, and that in his opinion the interest of the State will not be secured by a compliance with the terms of payment prescribed in the second section of this act, require of the purchaser fifty per centum of the purchase money to be paid at the time of the purchase, and such security for the payment of the balance of the principal, at any time thereafter, as in his judgment will secure the respective funds against loss; or he may, in his discretion, require full payment for the same.² Commissioner may require security or full payment of purchaser.

(3824.) SEC. 8. The Governor of the State shall sign and cause to be issued patents for the lands described in any certificate of purchase whenever the same shall be presented to him, with the further certificate of the Commissioner, indorsed thereon, that the whole amount of principal and interest specified therein, together with the taxes, charges, and interest levied upon said land, have been paid according to law, and that the holder of the certificate of purchase, whether as original purchaser or as purchaser of the right, title, and interest of such original purchaser at an execution or mortgage sale, is entitled to a deed therefor.³ Patents, issue of.

(3825.) SEC. 9. The fee of each and every parcel of the said land shall be and remain in the State until patents shall issue for the same respectively, upon full payment as aforesaid; and in case of a non-compliance by the purchaser, his heirs or assigns, with the terms of the certificate as aforesaid, or with the provisions of law applicable thereto, any and all persons being or continuing in possession of any such lands, after a failure to comply with the terms of the certificate as aforesaid, or with such provisions of law as aforesaid, without a written permission of the Commissioner Fee of land.

¹ As amended by "An act to amend chapter sixty, title twelve, of the Revised Statutes," approved April 4, 1851; in force from July 8, 1851. Laws of 1851, p. 84. This section had been amended in 1847, by substituting March for January, to correspond with sections 2 and 4, as amended; and restoring the word January here was probably an oversight.

² As amended by Act 107 of the Laws of 1868, p. 164, approved and took effect March 14, 1868.

of the Land Office, shall be deemed and held to detain such lands forcibly and without right, and to be trespassers thereon.

Commissioner
may recover
amount due for
which security
is given.

(3826.) SEC. 10. In all cases where security has been taken from the purchaser, pursuant to the provisions of the seventh section of this chapter, the Commissioner shall have power to sue for and recover all such sums as may become due and payable, for which such security was given.

Improved lands,
how sold.

(3827.) SEC. 11. All the improved portions of the university and school lands remaining unsold shall be subject to sale at the respective prices at which they were severally offered at the last annual public sales, until the improvements on the same shall have been appraised, as provided in this chapter.

Commissioner
may lay off
tracts into small
lots, and sell
them.

(3828.) SEC. 12. Whenever either the university or school fund will, in the opinion of the Commissioner, be improved by laying off any section or tract of university or school lands into small parcels or village lots, the said Commissioner may cause the same to be done, and may sell the same at the respective minimum prices established in this chapter; or if, in his opinion, any of such parcels or lots exceed in value such prices, he shall cause the same to be appraised by three disinterested freeholders of the county in which such parcels or lots are situated.

Appraisal.

Appraisers to
be sworn, and
make appraisal
and return.

(3829.) SEC. 13. Such freeholders shall be appointed by the Commissioner, and, after being first duly sworn so to do, shall appraise the several parcels or lots directed by said Commissioner to be appraised by them, at their true value respectively, and shall make a return of such appraisement, duly certified by them, to the Commissioner.

Lots to be sold
at appraised val-
ue, but not be-
low minimum
price.

(3830.) SEC. 14. All parcels or lots so appraised shall be subject to sale in the same manner, and upon the same terms and conditions, and the certificates of purchase shall have the same effect, as in the case of other university or school lands, according to the provisions of this chapter, at the prices at which the same were severally appraised, until a new appraisal shall be made, which the Commissioner may, in his discretion, cause to be had in the manner aforesaid, and with the like effect; but no lots or parcels so appraised shall be sold for less than the minimum price of said lands established in this chapter.

When lands
may be withheld
from sale.

(3831.) SEC. 15. The said Commissioner may also, in his discretion, reserve and withhold from sale such portions of the university and school lands as in his opinion it may not be advantageous to sell and dispose of, and for so long a time as in his opinion will be most beneficial to the several funds affected thereby.

(3832.) SEC. 16. All university and school lands which have been or may be forfeited by the non-payment of either principal or interest, and which have not been offered at public auction after forfeiture, before the same shall be subject to private entry shall be re-offered for sale at public auction, and the minimum price of all portions or tracts upon which improvements shall have been made shall be such as shall be determined by the Commissioner in the manner hereinafter in this chapter provided.

Forfeited lands to be offered at auction.

Minimum price of improved lands.

(3833.) SEC. 17. The sale of such forfeited lands shall be held at such times and places as shall be designated in a notice containing a description of the lands so forfeited, which notice shall be published once in each week at least four weeks successively before the time of sale, in a newspaper printed in the county where the lands are situated, if there be one, if not, then in a newspaper printed in an adjoining county, if there be one, and if there be none printed in an adjoining county, then in such newspaper as the Commissioner shall designate.

Sale, when held, how notified.

(3834.) SEC. 18. Certificates of purchase issued pursuant to the provisions of law shall entitle the purchaser to the possession of the lands therein described, and shall be sufficient evidence of title to enable the purchaser, his heirs or assigns, to maintain actions of trespass for injuries done to the same, or ejectment, or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

Rights of purchasers, etc., under certificates.

Certificates may be recorded.

(3835.) SEC. 19. Any purchaser of university or school lands may pay to the State Treasurer the amount due on his certificate of purchase, whether principal or interest, and for the amount paid the Treasurer shall give his receipt, which shall be countersigned by the Auditor General; and a statement of all such payments shall be transmitted by said Treasurer to the Commissioner of the Land Office on or before the first Monday of each month.

Payments to State Treasurer on certificates.

(3836.) In all cases where the rights of a purchaser shall have become forfeited, under the provisions of this chapter, by his failure to pay the amount due upon his certificate of purchase, if such purchaser, his heirs or assigns, shall, before the time appointed for the sale of the lands described in such certificate at public auction, pay to the Commissioner of the Land Office the full amount then due and payable upon such certificate, and twenty-five cents on each dollar of such amount in addition thereto, such payment shall operate as a redemption of the rights of such purchaser, his

Redemption of forfeited rights.

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Improved lands,
how sold.

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Appraisal.

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ed in such lists, and after making such to the forms prescribed by said Commissioner, returns thereof, duly certified by him, to the before the first day of August in the same that the provisions of this section shall not apply Proviso. mentioned in or contemplated by the "Act to promote of certain lands to the settlers thereon, and for s," approved March twenty-fifth, one thousand eight d forty, and the several acts amendatory thereof, whose e been forfeited to this State, or who has not become a er of the lands on which he resides, and on which his set- at is made; nor shall it apply to any person who has made no hereafter may make improvements on any of the university, ool, or State building lands, and who shall hereafter become a purchaser of the same; but such settler or other person shall be entitled to enter the same upon the terms herein established for the sale of unimproved university lands, irrespective of the value of said improvements, and he shall not be chargeable for the value of said improvements so made by or assigned to him.

(3839.) SEC. 23. On the return of such appraisement, the amount of the appraised value of improvements on each tract or parcel shall be divided by the number of acres contained therein, and the result, together with the minimum price per acre of unimproved lands of the same description as established in this chapter, shall be the specific minimum price per acre of such tract or parcel, the improvements upon which shall have been so appraised, until the same shall be changed by a subsequent appraisal. On return of appraisal, Commissioner to fix price.

(3840.) SEC. 24. The unimproved forfeited lands shall continue at the minimum price per acre of unsold and unimproved lands, as established in this chapter. Price of unimproved university lands.

(3841.) SEC. 25. The Commissioner of the Land Office may, from time to time, lease, for terms not exceeding one year, and until the same are disposed of according to law, all such university and school lands, and other lands belonging to the State, as shall have improvements on them; and such leases shall contain proper covenants to guard against trespasses and waste. Leasing of improved lands.

SEC. 26:¹

(3842.) SEC. 27. Whenever it shall appear to the Commissioner necessary, in order to ascertain the true boundaries of any tract or Commissioner may cause necessary surveys to be made.

¹ This section, relating to the university lands near Toledo, Ohio, was repealed by Act 80 of 1847, Laws of 1847, p. 39, which substituted a new enactment. And see Act 26 of 1849, Laws of 1849, p. 19, providing for a sale of these lands at auction.

respectively, nor shall any treasury notes or warrants be received for university lands hereafter forfeited to the State.

Terms of payment.

(3818.) SEC. 2. The terms of payment on the sale of university and school lands shall be twenty-five per centum of the purchase money, to be paid at the time of the purchase, the balance of the principal at any time thereafter, at the option of the purchaser, with interest at the rate of seven per cent per annum on the unpaid balance, payable on the first day of March, or within sixty days thereafter, in each and every year, at such place or places as shall be specified in the certificate of purchase.¹

Certificate of purchase; what to contain.

(3819.) SEC. 3. At the time of the sale of any such lands, the Commissioner shall make out and deliver to the purchaser or purchasers thereof a certificate, in which the said Commissioner shall, in the name of the people of this State, certify the description of land sold, the quantity thereof, and the price per acre, the consideration paid and to be paid therefor, and the time and terms of payment.

Ibid.

(3820.) SEC. 4. The said certificate shall further set forth, that in case of the non-payment of the interest due, by the first day of March, or within sixty days thereafter, in each and every year, by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall, from the time of such failure, be utterly void and of no effect, and the said Commissioner may take possession thereof, and resell the same as is hereinafter provided.¹

When twenty per cent of principal paid, purchaser may pay balance of principal at any time thereafter at his option.

(3821.) SEC. 5. Any purchaser of university or school lands, his heirs or assigns, who shall have paid on or before the first day of March, one thousand eight hundred and forty-two, a sum equal to twenty per cent of the purchase money on his certificate, together with the interest up to said day; and any person who shall have become such purchaser since the thirteenth day of April, in the year one thousand eight hundred and forty-one, his heirs or assigns, who shall have paid according to the terms of his certificate, shall be privileged to pay the balance of principal due on his purchase at any time thereafter at his option; but in all cases the interest on the unpaid balance of principal shall be paid on or before the first day of January, or within sixty days thereafter, in each and every year; and any purchaser of the right, title, and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, shall be deemed an assignee of the person

Interest on unpaid principal, when paid.

¹ As amended by Act 30 of 1847. Laws of 1847, p. 39. See section 3321.

whose right, title, and interest was sold by virtue of such execution or mortgage.¹

(3822.) SEC. 6. In case of non-payment, either of principal or interest, when due, according to the provisions of the preceding section, or according to the terms of the certificate of sale, as the case may be, such certificate shall become void and of no effect from the time of such failure, and the Commissioner may take immediate possession thereof and resell the same.

When Commissioner may take possession and resell.

(3823.) SEC. 7. The said Commissioner shall, whenever it satisfactorily appears that the chief value of any parcel of land consists of pine or other timber, and that in his opinion the interest of the State will not be secured by a compliance with the terms of payment prescribed in the second section of this act, require of the purchaser fifty per centum of the purchase money to be paid at the time of the purchase, and such security for the payment of the balance of the principal, at any time thereafter, as in his judgment will secure the respective funds against loss; or he may, in his discretion, require full payment for the same.²

Commissioner may require security or full payment of purchaser.

(3824.) SEC. 8. The Governor of the State shall sign and cause to be issued patents for the lands described in any certificate of purchase whenever the same shall be presented to him, with the further certificate of the Commissioner, indorsed thereon, that the whole amount of principal and interest specified therein, together with the taxes, charges, and interest levied upon said land, have been paid according to law, and that the holder of the certificate of purchase, whether as original purchaser or as purchaser of the right, title, and interest of such original purchaser at an execution or mortgage sale, is entitled to a deed therefor.³

Patents, issue of.

(3825.) SEC. 9. The fee of each and every parcel of the said land shall be and remain in the State until patents shall issue for the same respectively, upon full payment as aforesaid; and in case of a non-compliance by the purchaser, his heirs or assigns, with the terms of the certificate as aforesaid, or with the provisions of law applicable thereto, any and all persons being or continuing in possession of any such lands, after a failure to comply with the terms of the certificate as aforesaid, or with such provisions of law as aforesaid, without a written permission of the Commissioner

Fee of land.

¹ As amended by "An act to amend chapter sixty, title twelve, of the Revised Statutes," approved April 4, 1851; in force from July 8, 1851. Laws of 1851, p. 84. This section had been amended in 1847, by substituting March for January, to correspond with sections 3 and 4, as amended; and restoring the word January here was probably an oversight.

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of the Land Office, shall be deemed and held to detain such lands forcibly and without right, and to be trespassers thereon.

Commissioner
may recover
amount due for
which security
is given.

(3826.) SEC. 10. In all cases where security has been taken from the purchaser, pursuant to the provisions of the seventh section of this chapter, the Commissioner shall have power to sue for and recover all such sums as may become due and payable, for which such security was given.

Improved lands,
how sold.

(3827.) SEC. 11. All the improved portions of the university and school lands remaining unsold shall be subject to sale at the respective prices at which they were severally offered at the last annual public sales, until the improvements on the same shall have been appraised, as provided in this chapter.

Commissioner
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(3828.) SEC. 12. Whenever either the university or school fund will, in the opinion of the Commissioner, be improved by laying off any section or tract of university or school lands into small parcels or village lots, the said Commissioner may cause the same to be done, and may sell the same at the respective minimum prices established in this chapter; or if, in his opinion, any of such parcels or lots exceed in value such prices, he shall cause the same to be appraised by three disinterested freeholders of the county in which such parcels or lots are situated.

Appraisal.

Appraisers to
be sworn, and
make appraisal
and return.

(3829.) SEC. 13. Such freeholders shall be appointed by the Commissioner, and, after being first duly sworn so to do, shall appraise the several parcels or lots directed by said Commissioner to be appraised by them, at their true value respectively, and shall make a return of such appraisement, duly certified by them, to the Commissioner.

Lots to be sold
at appraised val-
ue, but not be-
low minimum
price.

(3830.) SEC. 14. All parcels or lots so appraised shall be subject to sale in the same manner, and upon the same terms and conditions, and the certificates of purchase shall have the same effect, as in the case of other university or school lands, according to the provisions of this chapter, at the prices at which the same were severally appraised, until a new appraisal shall be made, which the Commissioner may, in his discretion, cause to be had in the manner aforesaid, and with the like effect; but no lots or parcels so appraised shall be sold for less than the minimum price of said lands established in this chapter.

When lands
may be withheld
from sale.

(3831.) SEC. 15. The said Commissioner may also, in his discretion, reserve and withhold from sale such portions of the university and school lands as in his opinion it may not be advantageous to sell and dispose of, and for so long a time as in his opinion will be most beneficial to the several funds affected thereby.

(3832.) SEC. 16. All university and school lands which have been or may be forfeited by the non-payment of either principal or interest, and which have not been offered at public auction after forfeiture, before the same shall be subject to private entry shall be re-offered for sale at public auction, and the minimum price of all portions or tracts upon which improvements shall have been made shall be such as shall be determined by the Commissioner in the manner hereinafter in this chapter provided.

Forfeited lands to be offered at auction.

Minimum price of improved lands.

(3833.) SEC. 17. The sale of such forfeited lands shall be held at such times and places as shall be designated in a notice containing a description of the lands so forfeited, which notice shall be published once in each week at least four weeks successively before the time of sale, in a newspaper printed in the county where the lands are situated, if there be one, if not, then in a newspaper printed in an adjoining county, if there be one, and if there be none printed in an adjoining county, then in such newspaper as the Commissioner shall designate.

Sale, when held, how notified.

(3834.) SEC. 18. Certificates of purchase issued pursuant to the provisions of law shall entitle the purchaser to the possession of the lands therein described, and shall be sufficient evidence of title to enable the purchaser, his heirs or assigns, to maintain actions of trespass for injuries done to the same, or ejectment, or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

Rights of purchasers, etc., under certificate.

Certificates may be recorded.

(3835.) SEC. 19. Any purchaser of university or school lands may pay to the State Treasurer the amount due on his certificate of purchase, whether principal or interest, and for the amount paid the Treasurer shall give his receipt, which shall be countersigned by the Auditor General; and a statement of all such payments shall be transmitted by said Treasurer to the Commissioner of the Land Office on or before the first Monday of each month.

Payments to State Treasurer on certificates.

(3836.) In all cases where the rights of a purchaser shall have become forfeited, under the provisions of this chapter, by his failure to pay the amount due upon his certificate of purchase, if such purchaser, his heirs or assigns, shall, before the time appointed for the sale of the lands described in such certificate at public auction, pay to the Commissioner of the Land Office the full amount then due and payable upon such certificate, and twenty-five cents on each dollar of such amount in addition thereto, such payment shall operate as a redemption of the rights of such purchaser, his

Redemption of forfeited rights.

or parcels of land mentioned in such lists, and after making such appraisement according to the forms prescribed by said Commissioner, he shall make returns thereof, duly certified by him, to the Commissioner, on or before the first day of August in the same year: *Provided*, That the provisions of this section shall not apply Proviso. to any settler mentioned in or contemplated by the "Act to provide for the sale of certain lands to the settlers thereon, and for other purposes," approved March twenty-fifth, one thousand eight hundred and forty, and the several acts amendatory thereof, whose lands have been forfeited to this State, or who has not become a purchaser of the lands on which he resides, and on which his settlement is made; nor shall it apply to any person who has made or who hereafter may make improvements on any of the university, school, or State building lands, and who shall hereafter become a purchaser of the same; but such settler or other person shall be entitled to enter the same upon the terms herein established for the sale of unimproved university lands, irrespective of the value of said improvements, and he shall not be chargeable for the value of said improvements so made by or assigned to him.

(3839.) SEC. 23. On the return of such appraisement, the amount of the appraised value of improvements on each tract or parcel shall be divided by the number of acres contained therein, and the result, together with the minimum price per acre of unimproved lands of the same description as established in this chapter, shall be the specific minimum price per acre of such tract or parcel, the improvements upon which shall have been so appraised, until the same shall be changed by a subsequent appraisal. On return of appraisal, Commissioner to fix price.

(3840.) SEC. 24. The unimproved forfeited lands shall continue at the minimum price per acre of unsold and unimproved lands, as established in this chapter. Price of unimproved university lands.

(3841.) SEC. 25. The Commissioner of the Land Office may, from time to time, lease, for terms not exceeding one year, and until the same are disposed of according to law, all such university and school lands, and other lands belonging to the State, as shall have improvements on them; and such leases shall contain proper covenants to guard against trespasses and waste. Leasing of improved lands.

SEC. 26:¹

(3842.) SEC. 27. Whenever it shall appear to the Commissioner necessary, in order to ascertain the true boundaries of any tract or Commissioner may cause necessary surveys to be made.

¹ This section, relating to the university lands near Toledo, Ohio, was repealed by Act 30 of 1847, Laws of 1847, p. 39, which substituted a new enactment. And see Act 26 of 1849, Laws of 1849, p. 19, providing for a sale of these lands at auction.

portion of the lands mentioned in this chapter, or to enable him to describe and dispose of the same in suitable and convenient lots, he may cause all such necessary surveys to be made; and the expenses thereof shall be paid out of the proper fund, in the same manner as the other incidental expenses of the Land Office.

STATE BUILDING LANDS.

Minimum price
of State building
lands.

1844, p. 90.

Terms and con-
ditions of sale.

(3843.) SEC. 28. The minimum price of the unsold and unimproved State building lands shall be eight dollars per acre, and the minimum price of the improved State building lands shall be such as has been or may be determined by the Commissioner, in the manner provided in this chapter for determining the minimum price of improved university lands, subject to the provisions contained in the proviso in the twenty-second section of this chapter.

(3844.) SEC. 29. The terms and conditions and manner of sale of said lands, and of payment, both of principal and interest, therefor, shall be the same in all respects as are prescribed in this chapter for the sale of university and school lands, and payment for the same and the said Commissioner shall issue certificates of purchase upon the sale thereof, in the same form and with the like effect as upon the sale of university or school lands.

STATE SALT-SPRING LANDS.

Minimum price
of salt-spring
lands.

1845, p. 119, etc.

Terms and con-
ditions of sale.

(3845.) SEC. 30. The minimum price of the lands selected for this State as salt-spring lands, and which shall not have been improved, shall be four dollars per acre; and the minimum price of the improved salt-spring lands shall be such as may be determined by the Commissioner in the manner provided in this chapter for determining the minimum price of improved university and school lands; but none of said lands shall be sold for less than four dollars per acre.

(3846.) SEC. 31. The terms and conditions and manner of sale of said lands, and of payment, both of principal and interest, therefor, shall be the same in all respects as are prescribed in this chapter for the sale of university and school lands and payment therefor; and the Commissioner of the Land Office shall issue certificates of purchase upon the sale thereof, in the same form and with the like effect as upon the sale of university or school lands.

Lands to be first
offered at public
auction.

(3847.) SEC. 32. None of said salt-spring lands shall be subject to private entry until they shall have been first advertised and offered for sale at public auction, in the manner prescribed in this

chapter for advertising and selling forfeited university and school lands.

(3848.) SEC. 33. Such of the said lands as have been improved by the State by boring thereon for salt springs, and such other of said lands as, in the opinion of the Governor, State Geologist, and Commissioner, should not be sold, shall be withheld from sale until otherwise provided by law.

Certain portions not to be sold.

(3849.) SEC. 34. Whenever, in the opinion of the Commissioner, the interests of the State will be promoted by laying off any section or tract of said lands into small parcels or village lots, he shall cause the same to be done, and such lots or parcels to be appraised in the manner provided in this chapter for appraising university and school lands laid off into small parcels or village lots; and such appraisal shall be the minimum price at which such lots or parcels shall be respectively sold.

When tracts to be laid off into village lots, etc., and how minimum price established.

(3850.) SEC. 35. All sums received on account of the sale of said salt-spring lands shall be paid into the Treasury of the State, to the credit of the general fund.

Moneys received on sale to be credited to general fund.

INTERNAL IMPROVEMENT LANDS.

(3851.) SEC. 36. The minimum price of the unsold portion of the half-million acres of land granted to this State by the act of Congress of September fourth, one thousand eight hundred and forty-one, for internal improvement purposes, shall be one dollar and twenty-five cents per acre; and none of the internal improvement lands of this State shall be subject to private entry until the same shall have been first offered at public auction.

Price of internal improvement lands; to be first offered at public auction.

1844, p. 90, etc.

(3852.) SEC. 37. None of said lands shall be sold for less than their respective minimum prices, and all of said lands not sold at such public auction shall be subject thereafter to sale at their minimum prices respectively.

Not to be sold for less than the minimum price.

(3853.) SEC. 38. All lands and real estate which have or may become the property of this State, the title to which has been or may be derived from any source in the payment or collection of debts to the State, shall be appraised by the Commissioner of the Land Office, the Auditor General, State Treasurer, and Secretary of State, or any two of them, as soon as practicable after the title thereto shall become vested in the State; which appraisal shall be in writing, and one copy thereof shall be filed in the office of the Commissioner, and one copy in the office of the Auditor General.

Lands obtained in payment of debts, etc., how appraised and sold.

(3854.) SEC. 39. The said lands and real estate, after being once offered for sale at public auction at not less than the appraised

When subject to private sale.

portion of the lands mentioned in this chapter, or to enable him to describe and dispose of the same in suitable and convenient lots, he may cause all such necessary surveys to be made; and the expenses thereof shall be paid out of the proper fund, in the same manner as the other incidental expenses of the Land Office.

STATE BUILDING LANDS.

Minimum price
of State building
lands.

(3843.) SEC. 28. The minimum price of the unsold and unimproved State building lands shall be eight dollars per acre, and the minimum price of the improved State building lands shall be such as has been or may be determined by the Commissioner, in the manner provided in this chapter for determining the minimum price of improved university lands, subject to the provisions contained in the proviso in the twenty-second section of this chapter.

1844, p. 90.

Terms and con-
ditions of sale.

(3844.) SEC. 29. The terms and conditions and manner of sale of said lands, and of payment, both of principal and interest, therefor, shall be the same in all respects as are prescribed in this chapter for the sale of university and school lands, and payment for the same and the said Commissioner shall issue certificates of purchase upon the sale thereof, in the same form and with the like effect as upon the sale of university or school lands.

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of salt-spring
lands.

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1845, p. 119, etc.

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Certain portions not to be sold.

(3849.) SEC. 34. Whenever, in the opinion of the Commissioner, the interests of the State will be promoted by laying off any section or tract of said lands into small parcels or village lots, he shall cause the same to be done, and such lots or parcels to be appraised in the manner provided in this chapter for appraising university and school lands laid off into small parcels or village lots; and such appraisal shall be the minimum price at which such lots or parcels shall be respectively sold.

When tracts to be laid off into village lots, etc., and how minimum price established.

(3850.) SEC. 35. All sums received on account of the sale of said salt-spring lands shall be paid into the Treasury of the State, to the credit of the general fund.

Moneys received on sale to be credited to general fund.

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Price of internal improvement lands; to be first offered at public auction.

1844, p. 90, etc.

(3852.) SEC. 37. None of said lands shall be sold for less than their respective minimum prices, and all of said lands not sold at such public auction shall be subject thereafter to sale at their minimum prices respectively.

Not to be sold for less than the minimum price.

(3853.) SEC. 38. All lands and real estate which have or may become the property of this State, the title to which has been or may be derived from any source in the payment or collection of debts to the State, shall be appraised by the Commissioner of the Land Office, the Auditor General, State Treasurer, and Secretary of State, or any two of them, as soon as practicable after the title thereto shall become vested in the State; which appraisal shall be in writing, and one copy thereof shall be filed in the office of the Commissioner, and one copy in the office of the Auditor General.

Lands obtained in payment of debts, etc., how appraised and sold.

(3854.) SEC. 39. The said lands and real estate, after being once offered for sale at public auction at not less than the appraised

When subject to private sale.

value, and remaining unsold, shall be subject to private sale at any time thereafter, at the minimum price established by such appraisal, or by any subsequent appraisal which the said officers may, in their discretion, at any time make.

On the sale, certificate to be given; what to contain.

(3855.) SEC. 40. On the sale of any of said internal improvement lands, the Commissioner shall make out and deliver to the purchaser thereof a certificate, containing a description of the same, the contents thereof, the amount paid therefor, the date of the sale, and the name of the purchaser, and setting forth that upon presentation thereof at the office of the Secretary of State, the purchaser will be entitled to a patent from the Governor for the lands therein described.

Kind of funds received to be indorsed on certificate.

(3856.) SEC. 41. He shall also indorse upon the certificate the kind of funds or evidences of debt received in payment for the lands described therein.

Notice of public sale, how to be given.

(3857.) SEC. 42. Whenever it shall be necessary to offer any of said lands at public sale, the Commissioner shall cause a notice, containing a description of each parcel thereof, and the time and place appointed for the sale, to be published at least four weeks successively in a newspaper printed in each county in which any of such lands are situated, if there be one, and also in the State paper.

Commissioner to transmit to Governor a statement of certificates issued once in three months.

(3858.) SEC. 43. On or before the first days of January, April, July, and October in each year, the Commissioner shall cause to be made out and transmitted to the Governor, a statement of all the certificates of purchase issued by him for any of said lands, the numbers thereof, a description of the lands mentioned in each, and the names of the purchasers thereof, respectively.

Governor to issue patents and deposit same with Secretary of State.

(3859.) SEC. 44. On receipt of such statement, the Governor shall execute and deposit with the Secretary of State, patents for the lands described in such certificates, to the purchasers thereof, or their assigns, respectively; which patents, or duly certified copies thereof, shall be sufficient evidence of the facts contained therein; but no such patent shall be issued by the Governor for any such lands, unless he shall be satisfied that the title of the State thereto is perfect and complete.

Patent not to issue unless title of State is perfect.

(3860.) SEC. 45. The Secretary of State shall not deliver any such patent until the original certificate of the Commissioner shall be deposited in his office, unless the same shall have been lost or destroyed, and upon presenting to the Commissioner an affidavit satisfactory to him, showing that such original certificate has been lost or destroyed as aforesaid, the said Commissioner shall issue to the person entitled thereto a duplicate thereof.

(3861.) SEC. 46. Upon the presentation of such duplicate, certificate, and affidavit to the Secretary of State, he shall deliver to the person so entitled the patent for the land described therein, and shall file and preserve all such certificates and affidavits in his office.

Secretary not to deliver patent until certificate is surrendered, unless lost or destroyed.

(3862.) SEC. 47. The certificate of purchase of any of said lands, given by the Commissioner as aforesaid, shall be sufficient evidence of title in the purchaser, his heirs or assigns, to enable him or them to maintain trespass or any other proper action for any injury to the lands therein described, or to recover possession thereof, and such lands shall be liable to be taxed from the time of issuing such certificate.

Certificate evidence of title for certain purposes

(3863.) SEC. 48. All warrants drawn by the Auditor General, and now outstanding, or that may hereafter be drawn according to law, against any of the funds of this State, and all Treasury notes and other lawful obligations of this State, payable out of the State Treasury, shall be receivable for all lands belonging to this State for purposes of internal improvement, and the Commissioner shall, on receiving any such warrants or obligations bearing interest, indorse the amount of interest accrued thereon.

What may be received in payment.

MISCELLANEOUS PROVISIONS.

(3864.) SEC. 49. The Commissioner of the Land Office shall have the custody of all books and papers relating to any of the public lands mentioned in this chapter, except such as properly belong to the records or files of other offices.

Commissioner to have custody of books and papers relating to lands, 1844, p. 88.

(3865.) SEC. 50. The State Geologist shall furnish the Land Office with a map of each of the several counties of this State, as soon as the same are completed.¹

Maps to be furnished for Land Office.

(3866.) SEC. 51. The said Commissioner shall, on or before the third Monday in March in each year, transmit to the treasurer of each county in which any lands mentioned in this chapter may have been sold during the year then next preceding, a description of each parcel of the lands so sold in such county, and the names of the purchasers, distinguishing university and school lands from others.

Lists of lands sold to be sent to county treasurer annually.

(3867.) SEC. 52. Whenever the Commissioner shall lay off any tract of land into small parcels or village lots, as provided in this

Map of village lots to be recorded.

¹ Although the several acts relative to the State Geologist and the State geological survey, are, for the most part, unrepealed, they seem to have been for many years treated as obsolete. Provision was made by joint resolution in 1846, for a final geological report. Laws of 1846, p. 814.

chapter, he shall cause a correct map of the same to be entered of record in the county where said lands may be situated; and all parcels or lots heretofore laid out shall in like manner be entered of record.

Lists to be furnished to supervisors by county treasurer.

(3868.) SEC. 53. The several county treasurers receiving such descriptions shall, on or before the first Monday of April, deliver to the supervisor of each township in which any of such lands are situated a description of such lands therein, with the names of the purchasers of the same.

Registers to record patents; effect of record.

(3869.) SEC. 54. The registers of deeds of the several counties are authorized to record all patents issued by the Governor pursuant to the provisions of this chapter, and the record thereof shall have the same effect as the record of other conveyances executed according to the laws of this State.

Incidental expenses of Land Office, how allowed and paid.

(3870.) SEC. 55. The necessary incidental expenses of the Land Office shall be paid out of the several funds, respectively, in relation to which they were incurred, and, upon the presentation of satisfactory vouchers therefor to the Board of State Auditors, shall be allowed by them at their annual settlement with the Commissioner.

Sale made by mistake, etc., to be void, and money to be refunded on surrender of certificate.
7 Mich. 866.

(3871.) SEC. 56. In case of any sale made by mistake, or not in accordance with law, or obtained by fraud, the same shall be void; and no certificate of purchase issued thereon shall be of any effect, but the holder of any such certificate shall be required to surrender the same to the Commissioner, who shall thereupon refund the amount paid in the like funds received by him on such certificate.

Assignees of purchasers, their rights and liabilities.

(3872.) SEC. 57. The legal assignees of all *bona fide* purchasers of any of the lands mentioned in this chapter, shall be subject to and governed by the provisions of law applicable to the respective purchasers of whom they are the assignees, and they shall have the same rights, in all respects, as original purchasers of the same class of lands.

In what parcels land to be sold.

(3873.) SEC. 58. All sales of lands by the Commissioner shall be made according to the subdivisions thereof by the United States surveys, unless the same shall have been laid off into smaller lots, as provided in this chapter, or unless, in the opinion of the Commissioner, any of said lands can be more advantageously disposed of according to other divisions, to be ascertained and distinctly described by him.

New certificates may issue in certain cases.

(3874.) SEC. 59. When an original certificate of purchase shall have been issued by the Commissioner for forty acres or more of the said lands, he may, in his discretion, upon the surrender of such

certificate and the payment of one dollar for each new certificate requested, issue new certificates for subdivisions of the lands included in the original purchase, if, in his opinion, no injury will result therefrom.¹

(3875.) SEC. 60. All damages recovered for any trespass or other injury upon or to any of the lands mentioned in this chapter, shall be paid over to the Commissioner of the Land Office, or into the State Treasury, for the benefit of the fund to which the same may properly belong.

Damages recovered to be paid over for the benefit of proper fund.

(3876.) SEC. 61. Every person who shall commit any willful trespass upon any of the lands owned or held in trust or otherwise by this State, either by cutting down or destroying any timber or wood, standing or growing thereon, or by carrying away any timber or wood therefrom, or who shall injure or remove any buildings, fences, improvements, or other property belonging or appertaining to said lands, or shall aid, direct, or countenance any such trespass or other injury, shall be deemed guilty of a misdemeanor, and, on conviction thereof shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or both such fine and imprisonment, in the discretion of the court.

Trespass, etc., on public land, a misdemeanor, and how punished.

(3877.) SEC. 62. It shall be the duty of every court having jurisdiction of the same, specially to charge the grand jury, at each term of such court, to inquire into all offenses against the provisions of this chapter, and present any person who may be guilty of any such offense within their county.

Courts to charge grand jury specially.

(3878.) SEC. 63. Any person who shall commit any trespass upon any of the lands owned or held in trust, or otherwise, by this State, shall be liable in treble damages, in an action of trespass, to be brought in the name of the people of the State, if such trespass shall be found by the court or jury to have been willful, and single damages only shall be recovered in such action, if such trespass shall be found to have been casual and involuntary; and whenever the prosecuting attorney, Commissioner of State Land Office, or person designated by him to prosecute for such trespass, shall make an affidavit that any person, naming him, has committed such trespass on any of such lands, as he verily believes, and stating, as near as may be, the amount of damages occasioned thereby, and that he is either not a resident of this State, or has absconded therefrom, or is about to abscond, to avoid the service of process,

Willful trespass liable in treble damages; casual in single damages.

Prosecution therefor.

¹ As amended by Act 88 of the Laws of 1868, p. 126, approved and took effect March 11, 1868.

and shall present the same to the clerk of the circuit or district court in which such lands are situate, a writ of attachment shall be issued, and such affidavit be attached thereto, as the commencement of suit against such alleged trespasser, in the same form, as nearly as applicable, as provided in chapter one hundred and fourteen of the Revised Statutes of eighteen hundred and forty-six and all the provisions of said chapter, and the practice under the same, not inconsistent with this act, shall be applicable to regulate the proceedings therein, under this act, and to make the same effectual.¹

Persons holding possession without authority, liable to action of forcible entry and detainer, etc

(3879.) SEC. 64. In case any person shall hold or continue in possession of any of the lands mentioned in this chapter, without express authority in writing from the Commissioner of the Land Office, or contrary to the conditions or covenants of any lease or written agreement, he shall be liable to an action of forcible entry and detainer, or any other proper action or actions for the recovery of possession of such lands, and damages for the detention of the same.

Prosecuting attorneys to report trespassers to Commissioner, and prosecute when directed.

(3880.) SEC. 65. The prosecuting attorneys of the several counties shall promptly report to the Commissioner all trespasses committed upon any of said lands which may come to their knowledge, and shall, when directed by the Commissioner, prosecute all actions for any trespass or injury thereto, or for the recovery of possession thereof, or otherwise.

Prosecuting attorney to give legal opinion.

(3881.) SEC. 66. It shall be the duty of each of said prosecuting attorneys, whenever requested by the Commissioner, to advise with and give their opinion upon all questions of law which may be submitted to them by the said Commissioner, relating to the duties of his office, without unnecessary delay, and without charge to the Commissioner or to the State.

Seal of Land Office.

(3882.) SEC. 67. The seal now in use in said Land Office shall continue to be the seal of said office, and in case the same should be lost or destroyed, another seal, with a similar device, shall be procured for said office by the Commissioner thereof.

Certain obligations receivable for university lands.

(3883.) SEC. 68. All Treasury notes or warrants bearing interest, drawn by authority of law on the Treasurer of this State, shall be received in payment of principal for any of the university lands which have been heretofore sold, or which may hereafter be sold, and which have not once been sold and forfeited, in the same man-

1844, p. 18.

¹As amended by Act 44 of the Laws of 1868, p. 52, approved and took effect February 26, 1868.

ner as they are by law receivable for any lands owned by this State, subject to the limitations hereinafter contained.

(3884.) SEC. 69. The whole amount of such notes and warrants Limitation of amount. which may be received under the provisions of the preceding section shall not exceed the residue of the sum of one hundred thousand dollars, which shall remain after deducting the full amount of all sums which shall have been credited to the Regents of the University, or to the university fund, on the principal of the "Michigan University State Stock," in pursuance of "An act authorizing the receipt of obligations of this State in payment of university lands," approved February the twenty-eighth, one thousand eight hundred and forty-four, and of "An act for the relief of the University of Michigan," approved March eleventh, one thousand eight hundred and forty-four, and one hundred and fifty-six thousand dollars in addition thereto. 1844, p. 18, 1888, p. 248, 1844, p. 117.

(3885.) SEC. 70. The State Treasurer shall, on the first days of January, April, July, and October in each year, make out a statement of the notes or warrants received in payment of principal for university lands, pursuant to the provisions of the sixty-eighth section of this chapter, during the preceding quarter, with an interest account upon the same, and shall thereupon credit the university fund with the amount of such notes or warrants and interest. Amount received to be credited to university fund, quarterly.

(3886.) SEC. 71. From the date of each and every such credit, the university fund shall be relieved from the payment of interest on an amount of the said "Michigan University State Stock," equal to the amount of such credit; and when the amount of said "Michigan University State Stock" shall have been received into the State Treasury, the State Treasurer shall continue to make quarterly statements of the amount of Treasury notes or warrants received, and credit the same to the university fund, and interest shall thereupon accrue, and shall annually be paid by the State to the treasurer of the Board of Regents, for the use of the University. Fund relieved from payment of interest on same amount of stock etc.

(3887.) SEC. 72. The seal of the Land Office affixed to any certificate of purchase, receipt, or other instrument issued by the Commissioner of the Land Office, according to the provisions of this chapter, shall be *prima facie* evidence of the due execution of such certificate. Seal evidence of, certificate.

and shall present the same to the clerk of the circuit or district court in which such lands are situate, a writ of attachment shall be issued, and such affidavit be attached thereto, as the commencement of suit against such alleged trespasser, in the same form, as nearly as applicable, as provided in chapter one hundred and fourteen of the Revised Statutes of eighteen hundred and forty-six and all the provisions of said chapter, and the practice under the same, not inconsistent with this act, shall be applicable to regulate the proceedings therein, under this act, and to make the same effectual.'

Persons holding possession without authority, liable to action of forcible entry and detainer, etc

(3879.) SEC. 64. In case any person shall hold or continue in possession of any of the lands mentioned in this chapter, without express authority in writing from the Commissioner of the Land Office, or contrary to the conditions or covenants of any lease or written agreement, he shall be liable to an action of forcible entry and detainer, or any other proper action or actions for the recovery of possession of such lands, and damages for the detention of the same.

Prosecuting attorneys to report trespassers to Commissioner, and prosecute when directed.

(3880.) SEC. 65. The prosecuting attorneys of the several counties shall promptly report to the Commissioner all trespasses committed upon any of said lands which may come to their knowledge, and shall, when directed by the Commissioner, prosecute all actions for any trespass or injury thereto, or for the recovery of possession thereof, or otherwise.

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1844, p. 18.

ner as they are by law receivable for any lands owned by this State, subject to the limitations hereinafter contained.

(3884.) SEC. 69. The whole amount of such notes and warrants Limitation of amount. which may be received under the provisions of the preceding section shall not exceed the residue of the sum of one hundred thousand dollars, which shall remain after deducting the full amount of all sums which shall have been credited to the Regents of the University, or to the university fund, on the principal of the "Michigan University State Stock," in pursuance of "An act authorizing the receipt of obligations of this State in payment of university lands," approved February the twenty-eighth, one thousand eight hundred and forty-four, and of "An act for the relief of the University of Michigan," approved March eleventh, one thousand eight hundred and forty-four, and one hundred and fifty-six thousand dollars in addition thereto. 1844, p. 18, 1838, p. 248, 1844, p. 117.

(3885.) SEC. 70. The State Treasurer shall, on the first days of January, April, July, and October in each year, make out a statement of the notes or warrants received in payment of principal for university lands, pursuant to the provisions of the sixty-eighth section of this chapter, during the preceding quarter, with an interest account upon the same, and shall thereupon credit the university fund with the amount of such notes or warrants and interest. Amount received to be credited to university fund, quarterly.

(3886.) SEC. 71. From the date of each and every such credit, the university fund shall be relieved from the payment of interest on an amount of the said "Michigan University State Stock," equal to the amount of such credit; and when the amount of said "Michigan University State Stock" shall have been received into the State Treasury, the State Treasurer shall continue to make quarterly statements of the amount of Treasury notes or warrants received, and credit the same to the university fund, and interest shall thereupon accrue, and shall annually be paid by the State to the treasurer of the Board of Regents, for the use of the University. Fund relieved from payment of interest on same amount of stock etc.

(3887.) SEC. 72. The seal of the Land Office affixed to any certificate of purchase, receipt, or other instrument issued by the Commissioner of the Land Office, according to the provisions of this chapter, shall be *prima facie* evidence of the due execution of such certificate. Seal evidence of, certificate.

An Act relative to the university interest fund.

[Approved February 12, 1859. Laws of 1859, p. 397.]

Interest to be credited.

(3888.) SECTION 1. *The People of the State of Michigan enact,* That the Auditor General be and he is hereby required to credit to the university interest fund, interest from and after the thirty-first day of December, eighteen hundred and sixty, on the entire amount that has heretofore been or may be hereafter received by the State for university lands sold or contracted, and to draw his warrants upon the State Treasurer for the same, who is hereby required to pay the same to the treasurer of the University upon his application therefor, from time to time, as the said interest may accrue and be required for the use of the University.

An Act to authorize the Governor to issue patents in certain cases.

[Approved April 23, 1846. Laws of 1846, p. 98.]

Governor may issue patents to assignee.

(3889.) SECTION 1. *The People of the State of Michigan enact,* That the Governor be and he is hereby authorized to issue to any assignee of a certificate of sale issued by the Commissioner of the State Land Office, a patent for the lands therein described: *Provided,* Said lands have been fully paid for to the State: *And provided also,* That the assignment, if made since the twenty-eighth day of April, eighteen hundred and forty-six, shall be duly executed and acknowledged in the manner deeds are required to be by the laws of this State; but if such assignment that said assignee claims under, was made prior to the twenty-eighth day of April, eighteen hundred and forty-six, any informality therein may be waived and such patent issued to such assignee upon a satisfactory showing that he is equitably entitled to the same.¹

Proviso.

Assignment, how made.

Informalities waived.

When patents to be issued in name of deceased persons.

(3890.) SEC. 2. That whenever any purchaser or assignee of any purchaser shall decease before application is made for any patent, such patent (if said lands are paid for) shall be issued in the name of such deceased person, and shall have the same effect as though it had been issued during the lifetime of such person.

When purchaser or assignee shall have died before issuing of patent, executor, etc., may sell certificate.

(3891.) SEC. 3. Whenever any purchaser or assignee of a purchaser shall die, or shall have died, before the issuing of a patent for the lands described in any such certificate, his executor or administrator may sell such certificate and all the right, title, and interest which the deceased had in the lands therein described, for

¹As amended by Act 159 of the Laws of 1865, p. 268, approved March 14, 1865.

the payment of debts, upon obtaining license therefor, and proceedings in the same manner, as near as may be, as is provided by law for the sale of real estate by executors and administrators for the payment of debts.

SEC. 4. This act shall take effect and be in force from and after its passage.

An Act to amend an act entitled "An act to authorize the Governor to issue patents in certain cases," approved April twenty-eighth, one thousand eight hundred and forty-six.

[Approved March 26, 1849. *Laws of 1849, p. 135.*]

(3892.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the provisions of an act entitled "An act to authorize the Governor to issue patents in certain cases," approved April twenty-eighth, eighteen hundred and forty-six, shall be and the same are hereby made applicable to all certificates of sale lawfully issued by the Superintendent of Public Instruction prior to the establishment of the State Land Office; and patents shall be issued therefor, and upon the assignments thereof, in the same manner, on the same condition, under the same restrictions, and with the like effect as in the several cases contemplated by the provisions of said act.

Issue of patents
in certain cases
regulated.

SEC. 2. This act shall take effect and be in force from and after its passage.

An Act authorizing and requiring the Commissioner of the State Land Office to issue new certificates for school and university lands in certain cases.

[Approved March 30, 1848. *Laws of 1848, p. 193.*]

(3893.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be and he hereby is authorized and required, upon being satisfied that no injury can result to the particular trust fund to be affected thereby, whether the same be the university or school fund, and upon the surrender of any original certificate of purchase of any university land, to issue one or more new certificates, in lieu of said original ones, to the persons who shall exhibit to such commissioner satisfactory evidence of being entitled thereto, and upon receiving from any such person or persons the full amount of interest due upon such original certificate up to and including the last preceding annual payment required thereby.

Commissioner
to issue new cer-
tificate in cer-
tain cases.

(3894.) SEC. 2. At the time of issuing any such new certificates, the said Commissioner shall indorse thereon the proper credits,

Indorsements
of credits on
new certificates.

pro rata, and of their proper dates, for all payments of principal and interest moneys theretofore made upon the original certificate thus surrendered; and the interest upon such new certificate shall be computed from the last annual payment due on the original certificate.

Applicant for
new certificate
to present affi-
davit of super-
visor.

(3895.) SEC. 3. The persons desirous of procuring such new certificate shall, in every case, furnish the said Commissioner, as the basis of his action, with the certificate of the supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity, and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the university or school fund, as the case may be; and the said Commissioner may require any other evidence which he may deem necessary; and whenever the grantee of any deed duly executed by a sheriff, and conveying the right, title, and interest of any person holding a certificate for any university or school lands, shall present such deed at the Land Office, and shall tender the balance of principal and interest due upon any such certificate, as the same shall appear from the books of said office, the Commissioner thereof shall execute to such grantee, his heirs and assigns, a deed for the land described in such certificate, in the usual form, and the same shall be a full satisfaction and discharge of such certificate.

Other evidence.

SEC. 4. This act shall take effect and be in force from and after its passage.

An Act requiring the Commissioner of the State Land Office to make an annual report to the Regents of the University of Michigan.

[Approved March 3, 1849. Laws of 1849, p. 49.]

Commissioner
to report to
Secretary of
Board of Re-
gents.

(3896.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the Land Office shall make out and transmit to the secretary of the Board of Regents of the University, by the first day of July next, an accurate statement of each and every parcel of university land that shall have been sold up to that date, and the price for which it was sold. Also of all forfeitures and resales, with an amount of the loss or gain attending such forfeitures and resales, and also an amount or list of each parcel of university land unsold.

Annual report
to Regents
thereafter.

(3897.) SEC. 2. Said Commissioner shall annually thereafter report to the Board of Regents all sales and forfeitures of university lands, with an amount of the receipts and expenditures attending the same.

(3898.) SEC. 3. Said Commissioner shall also report annually the ^{1844.} expenses lawfully charged to and deducted from the University interest fund, together with the net income.

(3899.) SEC. 4. Said Commissioner shall, with each of his reports, ^{1844.} furnish an accurate statement of all moneys loaned from said fund, to whom loaned, and when payable, with the interest annually paid thereon, and the annual interest due and unpaid ; also, the amount of internal improvement warrants paid for university lands, with the annual interest paid thereon by the State.

(3900.) SEC. 5. The Regents of the University shall severally be ^{Regents entitled to copy of Statutes.} entitled to receive from the Secretary of State, in the same manner as other public officers, a copy of the annual Laws of the State.

SEC. 6. This act shall be in force from and after its passage.

An Act authorizing and requiring the Commissioner of the State Land Office to issue new certificates for normal school lands in certain cases.

[Approved February 7, 1853. Laws of 1853, p. 69.]

(3901.) SECTION 1. *The People of the State of Michigan enact,* ^{Commissioner to issue new certificates for normal school lands in certain cases.} That the Commissioner of the State Land Office be and he is hereby authorized and required, upon being satisfied that no injury can result to the trust fund to be affected thereby, and upon the surrender of any original certificate of purchase of any normal school lands, to issue one or more new certificates in lieu of said original one, to the persons who shall exhibit to such Commissioner satisfactory evidence of being entitled thereto, and upon receiving the full amount of interest due upon such original certificate, up to and including the last preceding annual payment required thereby.

(3902.) SEC. 2. The persons desirous of procuring such new certificate shall in every case furnish the said Commissioner, as the basis of his action, with the certificate of the supervisor of the township in which the lands are situated, verified by his oath that he is acquainted with the true condition, quality, quantity, and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the normal school fund ; and the said Commissioner may require any other evidence which he may deem necessary in the premises. ^{Proceedings necessary to procure new certificates.}

An Act to establish a Board of Auditors to investigate certain claims growing out of the sales of primary or common school, university, and internal improvement lands, etc.

[Approved March 24, 1845. Laws of 1845, p. 130.]

Certain State officers to be a board for examination of claims growing out of sales of school lands, etc.

(3903.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office, State Treasurer, and Attorney General be and they are hereby constituted a Board of Auditors for the purpose of investigating all claims and applications for relief growing out of the sales of the primary or common school, university, salt spring, State building, and internal improvement lands.

Meetings of Board for examination and adjustment of claims.

(3904.) SEC. 2. It shall be the duty of said Board hereafter to meet on the first Monday in February and the first Monday in July in each year, at the State Land Office, and when so convened, the Board shall proceed to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, which may have been filed with the Commissioner of the State Land Office, at least ten days previous to said meeting, and shall enter a full settlement and adjustment of all such claims and applications for relief as may be deemed just and equitable by said Board, having in view the interest of the different funds for which the lands aforesaid were originally appropriated, and the just and equitable relief which each particular case may demand: *Provided*, That the decision and awards of said Board be first approved by the Governor of this State: *Also provided*, That the provisions of the act hereby amended shall not preclude any person who may find himself or themselves aggrieved by the decisions and awards of said Board from applying at any time after such decisions and awards to the Legislature for relief in their respective cases; and in no case shall an order be issued for refunding money to the purchasers of any of the lands above mentioned, their heirs or assigns, unless sanctioned by an act or resolution of the Legislature: *And provided further*, That whenever any claim for relief shall be filed in the office of said Commissioner as above prescribed, it shall be his duty forthwith to notify the other members of the said Board of the same, whose duty it shall be, on the receipt thereof, to meet at the office of said Commissioner at the stated times above specified, to examine into the matter. But in no case shall they be required so to meet, unless notified by said Commissioner as above prescribed.¹

See Constitution, Art. 4, Sec. 31.

¹As amended by Act 157 of 1848, p. 309.

(3905.) SEC. 3. Said Board is hereby empowered to examine applicants and their witnesses, under oath, to be administered by any member thereof. Applicants and witnesses to be examined on oath.

(3906.) SEC. 4. Joint resolution number thirty-four, relative to certain claims, approved March twelfth, eighteen hundred and forty-four, is hereby repealed. Certain resolution repealed.

(3907.) SEC. 5. The said Board shall make a report annually to the Legislature, of all their proceedings under this act. Report of Board.

SEC. 6. This act shall take effect and be in force from and after , its passage.

Joint Resolution relative to the powers conferred upon the Board of Auditors established to investigate certain claims, etc., under the act of March, 1845.

[Approved March 24, 1845. Laws of 1845, p. 163.]

(3908.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That in carrying into effect the provisions of "An Act to establish a Board of Auditors to investigate certain claims growing out of the sales of primary or common school, university, and internal improvement lands, etc.," approved March, 1845, the Board of Auditors established thereby shall, upon satisfactory evidence of the justice of said claim or application, make an award in favor of such claimant, or applicant of the lands claimed, or any part thereof, or of any other parcel of land belonging to the fund to be affected by said claim, the same being duly designated and described in said award; and upon the presentation of any such award, approved by the Governor, to the proper State officer, he is hereby authorized and required to execute to the claimant or applicant, his heirs, or assigns, a proper conveyance of the land so awarded, making all necessary entries thereof in the books of his office: *Provided*, That in those cases where said Board cannot clearly determine upon the equity of the application, the said Board may, in their discretion, report a statement of facts to the next Legislature. Award of Board upon claims.

State officers to carry award into effect.

Joint Resolution in relation to bonds and mortgages given to secure loans from the university and school funds.

[Approved March 16, 1847. Laws of 1847, p. 203.]

(3909.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That all bonds and mortgages given for or on account of loans from either the university or school fund, upon which are due and unpaid either principal or interest, or both, Bonds, etc., for loans from university and school funds to be delivered to Board for settlement.

shall be delivered over into the possession of the Board of Auditors on land claims, for the purpose of collection or settlement thereof; and the said Board are hereby authorized to sue for and recover the amounts which may be due thereon, and whenever it is clearly shown to the said Board that the bond accompanying any such mortgage is worthless, the said Board may accept a release or other conveyance of the equity of redemption or title to the mortgaged premises from the mortgagor, in satisfaction of the debt, and upon liquidation, settlement, and payment of said amounts due, they shall cancel and release the said bonds and mortgages; and such moneys as may be received on any such settlement, or arising therefrom, shall be paid into the State Treasury to the credit of the appropriate fund.

An Act to authorize the State Treasurer to receive from the General Government certain moneys arising from the sale of swamp lands, and to authorize the Commissioner of the State Land Office to take an assignment of all warrants received for any of the swamp lands sold in this State since the act of Congress approved September twenty-eighth, eighteen hundred and fifty.

[Approved February 14, 1853. *Laws of 1853, p. 116.*]

Moneys or land warrants received by the general government for swamp lands donated to the State, to be received, and interest of the State in lands released.

(3910.) SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer be and he is hereby authorized to receive from the general government any moneys that may have been received or that may hereafter be received for any of the swamp lands donated to this State, and that the Commissioner of the State Land Office be authorized to take an assignment of all bounty land warrants received for any swamp lands sold in this State since the act of Congress approved September twenty-eighth, eighteen hundred and fifty, and to release the interest of the State in any lands sold or entered with said warrants to purchasers or their assigns.

Right of pre-emption secured to occupant of swamp lands.

(3911.) SEC. 2. That in case any person, at the time of the passage of the act of Congress granting to the State of Michigan the swamp lands in this State, was in actual possession of any of said lands, and had made improvements thereon, with the intention of securing a pre-emption right, by virtue of the laws of Congress, or in case of actual purchase of the United States, his heirs, or assigns, he shall be entitled to purchase said lands at the minimum price of one dollar and twenty-five cents per acre, within one year after this act takes effect: *Provided*, Satisfactory evidence of such possession, improvements, and intention be filed with the Commissioner of the State Land Office before said lands are offered for sale, or before said lands are sold to any other person: *And pro-*

vided also, That no person shall be entitled to claim by pre-emption ^{Limitation of claim thereto.} more than one hundred and sixty acres.

An Act to provide for the sale and reclaiming of swamp lands granted to the State, and for the disposition of the proceeds.

[*Approved June 28, 1851. Laws of 1851, p. 322.*]

(3912.) SECTION 1. *The People of the State of Michigan enact*, That they adopt the notes of the surveys on file in the Surveyor General's Office, as the basis upon which they will receive the swamp lands granted to the State by an act of Congress of September twenty-eighth, eighteen hundred and fifty. ^{Notes of surveys in Surveyor General's office adopted as basis for receiving swamp lands.}

SEC. 2, 3, 4, 5.¹

(3913.) SEC. 6. Said lands shall only be sold in the same legal subdivisions in which they shall be received by the State, nor shall any of said lands be subject to private entry until the same shall have been offered for sale at public auction as herein above provided. ^{Swamp lands only to be sold in legal subdivisions.}

(3914.) SEC. 7. The Commissioner of the Land Office is hereby authorized to procure all necessary books, maps or plats of such lands as may be required for the speedy and systematic transaction of the business of the office, and all proper charges for the same shall be paid out of the fund aforesaid. ^{Commissioner of State Land Office to procure books, maps, etc., for his office}

SEC. 8. This act shall take effect immediately.

An Act to provide for the drainage and sale of the swamp lands, for the disposition of the proceeds, and for the confirmation of the title of certain purchasers.

[*Approved February 14, 1857. Took effect May —. Laws of 1857, p. 234.*]

SECTION 1.²

SEC. 2.²

SEC. 3.²

SEC. 4.²

SEC. 5.²

SEC. 6.²

SEC. 7.²

SEC. 8.²

SEC. 9.²

¹ Repealed by "An Act to repeal sections two, three, four, and five of an act entitled 'An act to provide for the sale and reclaiming of swamp lands granted to the State, and for the disposition of the proceeds,' approved June twenty-eighth, eighteen hundred and fifty-one," approved February 16, 1857. Laws of 1857, p. 384.

² Repealed by Act 81 of the Laws of 1858, p. 169. See general section 3955.

Lands heretofore purchased may be surrendered to State.

(3915.) SEC. 10. Any swamp lands heretofore sold by the Commissioner of the State Land Office, being part of the lands granted to this State by the aforesaid act of Congress, may, at the option of the purchaser, be released to the State by deed; and any purchaser may, at any time before the first day of September next, present his certificate of purchase to the Commissioner of the State Land Office, and receive of the Treasurer of the State, upon evidence that the same is surrendered, the amount paid thereon, with interest from the date of such certificate; and in case the purchaser has received a deed for said land, he may return the same, and upon surrender be paid as aforesaid; but if said deed has been recorded in the county where the said land is situated, and the said land has not been conveyed by said purchaser, he shall reconvey the same to the State, and cause the deed to be recorded in the proper county, and before he shall receive the money thereon he shall furnish evidence to the Commissioner of said record, and shall file with said Commissioner his affidavit that said certificate has not been assigned, or the land in said deed so presented conveyed by him, to any person; but no purchaser shall return a less quantity of any purchase, than the whole amount of land purchased by him at any one time.

Sales heretofore made, and not surrendered, confirmed.

(3916.) SEC. 11. The sales of such swamp lands heretofore purchased of said Commissioner, being part of lands granted by said act of Congress, in case the same shall not be returned on or before the said first day of September next, as above provided for, shall be and the same are hereby ratified and confirmed, as of the dates of said sales respectively; and neither such purchasers, nor any person claiming, under them, title to said lands or any of them, shall have any claim or demand upon this State, to drain or in any manner reclaim the said lands or any part thereof, but shall fulfill all the obligations imposed upon the State by said act of Congress, and upon failure thereof shall be prosecuted by the prosecuting attorney of the county in which such lands may lie, for any damages the State may sustain by reason of the violation of its obligations imposed by said act of Congress upon the State.

SEC. 12.¹

¹ Vide note to section 1 of this act.

An Act for the relief of purchasers of and settlers on swamp lands.

[Approved February 13, 1855. Laws of 1855, p. 418.]

(3917.) SECTION 1. *The People of the State of Michigan enact,* That in all cases where lands have been purchased as government lands at any of the United State Land Offices within the State of Michigan, and such purchase has afterwards been set aside and canceled in consequence of the lands so purchased having been found to be swamp lands, the purchaser, his heirs or assigns, may at any time before such lands are offered for sale by the State, or before said lands are sold to any other person, on presentation of a certificate of such purchase and cancelation from the Register of the Land Office where such purchase was originally made to the Commissioner of the State Land Office, be entitled to purchase such lands of the State, at the price of one dollar and twenty-five cents per acre, subject to the condition that such purchaser or purchasers shall not have any claim against the State for draining such land; and such land purchased of the United States shall not be offered for sale by the State until the expiration of two years from the passage of this act; and all persons who have in good faith, at any time since the twenty-eighth of September, eighteen hundred and fifty, settled upon and made valuable improvements on any of the swamp lands with the intention of securing the same under the pre-emption laws of the United States, and shall file with the Commissioner of the State Land Office sufficient evidence of said settlement or improvement, and intention, prior to their being offered for sale, such person, his heirs or assigns, shall also be entitled to purchase such land at one dollar and twenty-five cents per acre: *Provided,* That nothing in this act shall be construed to affect the legal rights of any suit or claims now pending, either in law or equity.

Purchasers from United States of State swamp lands, whose purchases have been canceled, may purchase from the State.

Rights of pre-emption secured to occupants.

SEC. 2. This act shall take effect immediately.

An Act to cede jurisdiction to the United States of America over land to be occupied as sites for light-house buildings in this State.

[Approved February 4, 1859. Laws of 1859, p. 103]

Whereas, The United States are about to direct the erection of a light-house building in this State, therefore,

(3918.) SECTION 1. *The People of the State of Michigan enact,* That the jurisdiction of this State is hereby ceded to the United States of America over a certain piece or parcel of land lying and

Preamble.

Jurisdiction ceded.

Public Lands

Lands heretofore purchased may be surrendered to State.

(3915.) SEC. 10.

Commissioner of the State Lands to this State by of the purchase chaser may, at present his c State Land C evidence the with interest purchaser same, and been received the said reconvey in the on h and tific con les pr

Sales heretofore made, and not surrendered, confirmed.

for the purpose of erecting a light-house to wit: On the westerly side of Lake St. Clair or Lake St. Clair, or such parcel of land as may be selected for the purpose above said; and also at such other places as may be designated for light-houses within the State of Michigan. Provided always, And this cession shall be made with the United States in and over the tracts of land described, that all civil and criminal process issued under the authority of this State or any officer thereof may be executed on said land and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded.

(That) the land above described, with the appurtenances and all buildings and other property thereon, shall forever be ceded to the United States of America.

As to the land above described, with the appurtenances and all buildings and other property thereon, shall forever be ceded to the United States of America.

Approved March 21, 1867. Laws of 1867, p. 67.]

Section 10. The People of the State of Michigan enact, That the land above described, with the appurtenances and all buildings and other property thereon, shall forever be ceded to the United States of America.

for the purpose of erecting lighthouse to wit: On Granite Island, between Point Keweenaw and Point St Ignace, in the river St. Clair; at the mouth of the Saginaw River, in Muskegon county; and at Trowbridge Bay, or such other places in the vicinity as may be designated for the purpose of erecting light-houses. And this cession is upon the express condition that the State of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tracts of land and in the buildings and other property thereon, that all civil and criminal process issued under the authority of this State or any officer thereof may be executed on said land and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as

) SEC. 2. The lands above described, with their appurtenances and all buildings and other property that may be thereon, forever be exempted from all taxes and assessments so long as the same shall remain the property of the United States of America.

Exempt from taxes.

SEC. 3. This act shall take immediate effect.

An Act ceding the jurisdiction of this State over certain lands owned by the United States.

[Approved March 29, 1871. Laws of 1871, p. 63.]

(3922.) SECTION 1. *The People of the State of Michigan enact,* That the jurisdiction of this State is hereby ceded to the United States of America over all such pieces or parcels of land within the limits of this State, as have been or shall hereafter be selected and acquired by the United States for the purpose of erecting post-offices, custom-houses, or other structures exclusively owned by the general government and used for its purposes: *Provided,* That an accurate description and plat of such lands so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the Governor of this State: *And provided further,* That this cession is upon the express condition, that the State of Michigan shall so far retain concurrent jurisdiction with the United States in and over all lands acquired or hereafter acquired as aforesaid, that all civil and criminal process issued by any court of competent jurisdiction, or officers having authority of law to issue such process, and all orders made by such court, or any judicial officer duly empowered to make such orders, and necessary to be served upon any person, may be executed upon said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Jurisdiction over lands acquired for post-offices, etc., ceded.

Proviso.

Further proviso.

Right to execute process on lands or in buildings erected thereon, not ceded.

(3923.) SEC 2. The lands aforesaid, when so acquired, shall forever be exempt from all taxes and assessments so long as the same shall remain the property of the United States.

Lands exempt from taxes.

SEC. 3. This act shall take immediate effect.

An Act to accept grants of land from the United States to this State, for the benefit of agriculture and the mechanic arts.

[Approved February 14, 1859. Laws of 1859, p. 479.]

Whereas, There is now pending before the Congress of the United States a bill granting and donating to the several States

Preamble.

An Act to establish a Board of Auditors to investigate certain claims growing out of the sales of primary or common school, university, and internal improvement lands, etc.

[Approved March 24, 1845. Laws of 1845, p. 130.]

Certain State officers to be a board for examination of claims growing out of sales of school lands, etc.

(3903.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office, State Treasurer, and Attorney General be and they are hereby constituted a Board of Auditors for the purpose of investigating all claims and applications for relief growing out of the sales of the primary or common school, university, salt spring, State building, and internal improvement lands.

Meetings of Board for examination and adjustment of claims.

(3904.) SEC. 2. It shall be the duty of said Board hereafter to meet on the first Monday in February and the first Monday in July in each year, at the State Land Office, and when so convened, the Board shall proceed to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, which may have been filed with the Commissioner of the State Land Office, at least ten days previous to said meeting, and shall enter a full settlement and adjustment of all such claims and applications for relief as may be deemed just and equitable by said Board, having in view the interest of the different funds for which the lands aforesaid were originally appropriated, and the just and equitable relief which each particular case may demand: *Provided*, That the decision and awards of said Board be first approved by the Governor of this State: *Also provided*, That the provisions of the act hereby amended shall not preclude any person who may find himself or themselves aggrieved by the decisions and awards of said Board from applying at any time after such decisions and awards to the Legislature for relief in their respective cases; and in no case shall an order be issued for refunding money to the purchasers of any of the lands above mentioned, their heirs or assigns, unless sanctioned by an act or resolution of the Legislature: *And provided further*, That whenever any claim for relief shall be filed in the office of said Commissioner as above prescribed, it shall be his duty forthwith to notify the other members of the said Board of the same, whose duty it shall be, on the receipt thereof, to meet at the office of said Commissioner at the stated times above specified, to examine into the matter. But in no case shall they be required so to meet, unless notified by said Commissioner as above prescribed.¹

See Constitution, Art. 4, Sec. 81.

¹ As amended by Act 157 of 1848, p. 309.

(3905.) SEC. 3. Said Board is hereby empowered to examine applicants and their witnesses, under oath, to be administered by any member thereof. Applicants and witnesses to be examined on oath.

(3906.) SEC. 4. Joint resolution number thirty-four, relative to certain claims, approved March twelfth, eighteen hundred and forty-four, is hereby repealed. Certain resolution repealed.

(3907.) SEC. 5. The said Board shall make a report annually to the Legislature, of all their proceedings under this act. Report of Board.

SEC. 6. This act shall take effect and be in force from and after , its passage.

Joint Resolution relative to the powers conferred upon the Board of Auditors established to investigate certain claims, etc., under the act of March, 1845.

[Approved March 24, 1845. Laws of 1845, p. 163.]

(3908.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That in carrying into effect the provisions of "An Act to establish a Board of Auditors to investigate certain claims growing out of the sales of primary or common school, university, and internal improvement lands, etc.," approved March, 1845, the Board of Auditors established thereby shall, upon satisfactory evidence of the justice of said claim or application, make an award in favor of such claimant, or applicant of the lands claimed, or any part thereof, or of any other parcel of land belonging to the fund to be affected by said claim, the same being duly designated and described in said award; and upon the presentation of any such award, approved by the Governor, to the proper State officer, he is hereby authorized and required to execute to the claimant or applicant, his heirs, or assigns, a proper conveyance of the land so awarded, making all necessary entries thereof in the books of his office: *Provided*, That in those cases where said Board cannot clearly determine upon the equity of the application, the said Board may, in their discretion, report a statement of facts to the next Legislature. Award of Board upon claims.

State officers to carry award into effect.

Joint Resolution in relation to bonds and mortgages given to secure loans from the university and school funds.

[Approved March 16, 1847. Laws of 1847, p. 203.]

(3909.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That all bonds and mortgages given for or on account of loans from either the university or school fund, upon which are due and unpaid either principal or interest, or both, Bonds, etc., for loans from university and school funds to be delivered to Board for settlement.

shall be delivered over into the possession of the Board of Auditors on land claims, for the purpose of collection or settlement thereof; and the said Board are hereby authorized to sue for and recover the amounts which may be due thereon, and whenever it is clearly shown to the said Board that the bond accompanying any such mortgage is worthless, the said Board may accept a release or other conveyance of the equity of redemption or title to the mortgaged premises from the mortgagor, in satisfaction of the debt, and upon liquidation, settlement, and payment of said amounts due, they shall cancel and release the said bonds and mortgages; and such moneys as may be received on any such settlement, or arising therefrom, shall be paid into the State Treasury to the credit of the appropriate fund.

An Act to authorize the State Treasurer to receive from the General Government certain moneys arising from the sale of swamp lands, and to authorize the Commissioner of the State Land Office to take an assignment of all warrants received for any of the swamp lands sold in this State since the act of Congress approved September twenty-eighth, eighteen hundred and fifty.

[Approved February 14, 1853. *Laws of 1853, p. 116.*]

Moneys or land warrants received by the general government for swamp lands donated to the State, to be received, and interest of the State in lands released.

(3910.) SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer be and he is hereby authorized to receive from the general government any moneys that may have been received or that may hereafter be received for any of the swamp lands donated to this State, and that the Commissioner of the State Land Office be authorized to take an assignment of all bounty land warrants received for any swamp lands sold in this State since the act of Congress approved September twenty-eighth, eighteen hundred and fifty, and to release the interest of the State in any lands sold or entered with said warrants to purchasers or their assigns.

Right of pre-emption secured to occupant of swamp lands.

(3911.) SEC. 2. That in case any person, at the time of the passage of the act of Congress granting to the State of Michigan the swamp lands in this State, was in actual possession of any of said lands, and had made improvements thereon, with the intention of securing a pre-emption right, by virtue of the laws of Congress, or in case of actual purchase of the United States, his heirs, or assigns, he shall be entitled to purchase said lands at the minimum price of one dollar and twenty-five cents per acre, within one year after this act takes effect: *Provided*, Satisfactory evidence of such possession, improvements, and intention be filed with the Commissioner of the State Land Office before said lands are offered for sale, or before said lands are sold to any other person: *And pro-*

vided also, That no person shall be entitled to claim by pre-emption more than one hundred and sixty acres. Limitation of claim thereto.

An Act to provide for the sale and reclaiming of swamp lands granted to the State, and for the disposition of the proceeds.

[Approved June 28, 1851. *Laws of 1851, p. 322.*]

(3912.) SECTION 1. *The People of the State of Michigan enact*, That they adopt the notes of the surveys on file in the Surveyor General's Office, as the basis upon which they will receive the swamp lands granted to the State by an act of Congress of September twenty-eighth, eighteen hundred and fifty. Notes of surveys in Surveyor General's office adopted as basis for receiving swamp lands.

SEC. 2, 3, 4, 5.¹

(3913.) SEC. 6. Said lands shall only be sold in the same legal subdivisions in which they shall be received by the State, nor shall any of said lands be subject to private entry until the same shall have been offered for sale at public auction as herein above provided. Swamp lands only to be sold in legal subdivisions.

(3914.) SEC. 7. The Commissioner of the Land Office is hereby authorized to procure all necessary books, maps or plats of such lands as may be required for the speedy and systematic transaction of the business of the office, and all proper charges for the same shall be paid out of the fund aforesaid. Commissioner of State Land Office to procure books, maps, etc., for his office

SEC. 8. This act shall take effect immediately.

An Act to provide for the drainage and sale of the swamp lands, for the disposition of the proceeds, and for the confirmation of the title of certain purchasers.

[Approved February 14, 1857. Took effect May —. *Laws of 1857, p. 234.*]

SECTION 1.²

SEC. 2.²

SEC. 3.²

SEC. 4.²

SEC. 5.²

SEC. 6.²

SEC. 7.²

SEC. 8.²

SEC. 9.²

¹ Repealed by "An Act to repeal sections two, three, four, and five of an act entitled 'An act to provide for the sale and reclaiming of swamp lands granted to the State, and for the disposition of the proceeds,' approved June twenty-eighth, eighteen hundred and fifty-one," approved February 16, 1857. *Laws of 1857, p. 234.*

² Repealed by Act 81 of the Laws of 1858, p. 169. See general section 3955.

Lands heretofore purchased may be surrendered to State.

(3915.) SEC. 10. Any swamp lands heretofore sold by the Commissioner of the State Land Office, being part of the lands granted to this State by the aforesaid act of Congress, may, at the option of the purchaser, be released to the State by deed; and any purchaser may, at any time before the first day of September next, present his certificate of purchase to the Commissioner of the State Land Office, and receive of the Treasurer of the State, upon evidence that the same is surrendered, the amount paid thereon, with interest from the date of such certificate; and in case the purchaser has received a deed for said land, he may return the same, and upon surrender be paid as aforesaid; but if said deed has been recorded in the county where the said land is situated, and the said land has not been conveyed by said purchaser, he shall reconvey the same to the State, and cause the deed to be recorded in the proper county, and before he shall receive the money thereon he shall furnish evidence to the Commissioner of said record, and shall file with said Commissioner his affidavit that said certificate has not been assigned, or the land in said deed so presented conveyed by him, to any person; but no purchaser shall return a less quantity of any purchase, than the whole amount of land purchased by him at any one time.

Sales heretofore made, and not surrendered, confirmed.

(3916.) SEC. 11. The sales of such swamp lands heretofore purchased of said Commissioner, being part of lands granted by said act of Congress, in case the same shall not be returned on or before the said first day of September next, as above provided for, shall be and the same are hereby ratified and confirmed, as of the dates of said sales respectively; and neither such purchasers, nor any person claiming, under them, title to said lands or any of them, shall have any claim or demand upon this State, to drain or in any manner reclaim the said lands or any part thereof, but shall fulfill all the obligations imposed upon the State by said act of Congress, and upon failure thereof shall be prosecuted by the prosecuting attorney of the county in which such lands may lie, for any damages the State may sustain by reason of the violation of its obligations imposed by said act of Congress upon the State.

SEC. 12.¹

¹ Vide note to section 1 of this act.

An Act for the relief of purchasers of and settlers on swamp lands.

[Approved February 13, 1855. Laws of 1855, p. 418.]

(3917.) SECTION 1. *The People of the State of Michigan enact,* Purchasers from United States of State swamp lands, whose purchases have been canceled, may purchase from the State.

That in all cases where lands have been purchased as government lands at any of the United State Land Offices within the State of Michigan, and such purchase has afterwards been set aside and canceled in consequence of the lands so purchased having been found to be swamp lands, the purchaser, his heirs or assigns, may at any time before such lands are offered for sale by the State, or before said lands are sold to any other person, on presentation of a certificate of such purchase and cancelation from the Register of the Land Office where such purchase was originally made to the Commissioner of the State Land Office, be entitled to purchase such lands of the State, at the price of one dollar and twenty-five cents per acre, subject to the condition that such purchaser or purchasers shall not have any claim against the State for draining such land; and such land purchased of the United States shall not be offered for sale by the State until the expiration of two years from the passage of this act; and all persons who have in good faith, at any time since the twenty-eighth of September, eighteen hundred and fifty, settled upon and made valuable improvements on any of the swamp lands with the intention of securing the same under the pre-emption laws of the United States, and shall file with the Commissioner of the State Land Office sufficient evidence of said settlement or improvement, and intention, prior to their being offered for sale, such person, his heirs or assigns, shall also be entitled to purchase such land at one dollar and twenty-five cents per acre: *Provided,* That nothing in this act shall be construed to affect the legal rights of any suit or claims now pending, either in law or equity.

Rights of pre-emption secured to occupants.

SEC. 2. This act shall take effect immediately.

An Act to cede jurisdiction to the United States of America over land to be occupied as sites for light-house buildings in this State.

[Approved February 4, 1859. Laws of 1859, p. 103.]

Whereas, The United States are about to direct the erection of Preamble.
a light-house building in this State, therefore,

(3918.) SECTION 1. *The People of the State of Michigan enact,* Jurisdiction ceded.
That the jurisdiction of this State is hereby ceded to the United States of America over a certain piece or parcel of land lying and

being in the State of Michigan, for the purpose of erecting a light-house building thereon, described as follows, to wit: On the westerly shore of Lake St. Clair, or Anchor Bay, within the limits of the village of New Baltimore, in the county of Macomb, or such particular place within the limits above described as may be selected for the purpose above mentioned; and also at such other places as shall be fixed upon by Congress as sites for light-houses within the limits of the State of Michigan: *Provided always*, And this cession is upon the express condition, that this State of Michigan shall so far retain concurrent jurisdiction with the United States in and over the tracts of land aforesaid, that all civil and criminal processes issued under the authority of this State or any officer thereof may be executed on said land and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded.

Proviso. (3919.) SEC. 2. The land above described, with the appurtenances and all buildings and other property thereon, shall forever be exempted from all taxes and assessments so long as the same shall remain the property of the United States of America.

Concurrent jurisdiction retained in certain cases.

Land exempt from taxation.

An Act to cede jurisdiction to the United States of America over land to be occupied as sites of light-house buildings in this State.

[Approved March 13, 1867. *Laws of 1867*, p. 67.]

Cession of lands for light-houses. (3920.) SECTION 1. *The People of the State of Michigan enact*, That the jurisdiction of this State is hereby ceded to the United States of America over certain parcels of land lying and being in the State of Michigan, for the purpose of erecting lighthouse buildings thereon, described as follows, to wit: On Granite Island.

Where situated. West Huron Island, Gull Island, between Point Keweenaw and Manitou Island, Lac La Belle, Portage Entry, and Beaver Bay, all on Lake Superior; at St. Clair Flats, in the river St. Clair; at the mouth of White river, in Muskegon county; and at Trowbridge Point, or Alpena, in Thunder Bay, or such other places in the vicinity of those above mentioned as may be designated for the purpose aforesaid: *Provided always*, And this cession is upon the express condition, that the State of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid, that all civil and criminal process issued under the authority of this State or any officer thereof may be executed on said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Proviso.

(3921.) SEC. 2. The lands above described, with their appurtenances and all buildings and other property that may be thereon, shall forever be exempted from all taxes and assessments so long as the same shall remain the property of the United States of America. Exempt from taxes.

SEC. 3. This act shall take immediate effect.

An Act ceding the jurisdiction of this State over certain lands owned by the United States.

[Approved March 29, 1871. Laws of 1871, p. 63.]

(3922.) SECTION 1. *The People of the State of Michigan enact,* That the jurisdiction of this State is hereby ceded to the United States of America over all such pieces or parcels of land within the limits of this State, as have been or shall hereafter be selected and acquired by the United States for the purpose of erecting post-offices, custom-houses, or other structures exclusively owned by the general government and used for its purposes: *Provided,* That an accurate description and plat of such lands so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the Governor of this State: *And provided further,* That this cession is upon the express condition, that the State of Michigan shall so far retain concurrent jurisdiction with the United States in and over all lands acquired or hereafter acquired as aforesaid, that all civil and criminal process issued by any court of competent jurisdiction, or officers having authority of law to issue such process, and all orders made by such court, or any judicial officer duly empowered to make such orders, and necessary to be served upon any person, may be executed upon said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid. Jurisdiction over lands acquired for post-offices, etc., ceded.
Proviso.
Further proviso.
Right to execute process on lands or in buildings erected thereon. not ceded.

(3923.) SEC. 2. The lands aforesaid, when so acquired, shall forever be exempt from all taxes and assessments so long as the same shall remain the property of the United States. Lands exempt from taxes.

SEC. 3. This act shall take immediate effect.

An Act to accept grants of land from the United States to this State, for the benefit of agriculture and the mechanic arts.

[Approved February 14, 1859. Laws of 1859, p. 472.]

Whereas, There is now pending before the Congress of the United States a bill granting and donating to the several States Preamble.

portions of the public lands for the benefit of agriculture and the mechanic arts, and it is anticipated that the same or some similar bill for such purposes will be passed and become a law at the present or some future session of Congress; therefore,

Acceptance of
grant.

(3924.) SECTION 1. *The People of the State of Michigan enact,* That this State hereby accepts and assents to any such grant or donation of lands or of land script, now made or which may hereafter be made by Congress to this State, for those or the like purposes, upon the terms, trusts, and conditions upon which such grant or donation is or may be made; which terms, trusts, and conditions are hereby declared to be obligatory on this State; and the Governor is hereby authorized to determine the value of such lands, and to select the same, if that be in accordance with the act or acts of Congress, and to report his doings in this behalf to the proper department of the government of the United States.

Governor to select and report.

SEC. 2. This act shall take effect and be in force immediately.

An Act to provide for selecting and locating the unselected deficiency existing in the quantity of lands due to the State of Michigan under the act of Congress approved May twentieth, eighteen hundred and twenty-six, and for any other land grant made by act of Congress to this State.

[Approved March 11, 1861. *Laws of 1861, p. 167.*]

Commissioner
of State Land
Office authorized
to select lands.

(3925.) SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of the State Land Office be and he is hereby authorized and directed to cause lands, sufficient to supply the existing deficiency in the quantity accruing to this State by virtue of the act of Congress approved May twentieth, eighteen hundred and twenty-six, the ordinance of admission, July twenty-fifth, eighteen hundred and thirty-six, and any other land grant since made to this State by act of Congress, to be selected and located in parcels in conformity with the provisions of the several acts making the same.

SEC. 2. This act shall take immediate effect.

An Act for the acceptance of the donation of public lands made by act of Congress approved July second, eighteen hundred and sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts.

[Approved February 25, 1863. *Laws of 1863, p. 54.*]

Grant accepted.

(3926.) SECTION 1. *The People of the State of Michigan enact,* That the grant of land accruing to the State of Michigan under and by virtue of an act of Congress donating public lands to the several States and Territories which may provide colleges for the

benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, be and the same is hereby accepted in accordance with all the conditions and provisions in said act contained.

SEC. 2. This act shall take immediate effect.

An Act to provide for the selection, care, and disposition of the lands donated to the State of Michigan by act of Congress, approved July second, eighteen hundred sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts.

[Approved March 18, 1863. Laws of 1863. p. 201.]

(3927.) SECTION 1. *The People of the State of Michigan enact,* Agricultural Land Grant Board.
That the Governor, the Auditor General, Secretary of State, State Treasurer, Attorney General, and Commissioner of the State Land Office shall constitute a board, to be know as the Agricultural Land Grant Board, and said Board shall have the control and manage- Powers of.
ment of the selection, the care and disposal of the lands granted to this State by act of Congress, approved July second, eighteen hundred sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts. Said Board shall Commissioner; duties of.
appoint one or more suitable commissioners, whose duty it shall be to select and locate, as soon as practicable, the quantity of land donated to this State by the act of Congress aforesaid, and to make return of the lands so located to the Commissioner of the State Land Office of Michigan, properly designated and described, and to notify the Registers of the United States District Land Offices, for the districts in which the selection and location is made, of such selection as fast as the land is so selected.

(3928.) SEC. 2. The Commissioner of the State Land Office shall, Description of lands selected to be forwarded to Secretary of Interior.
as fast as such selections are made and returned to him, forward to the Secretary of the Interior of the United States full and complete descriptions of all such lands, and obtain the necessary title to the State of Michigan for the same.

(3929.) SEC. 3. All of said lands, excepting as hereinafter pro- Price per acre; one-fourth down, interest on balance.
vided, shall be sold for not less than three dollars per acre, one-fourth of the purchase price to be paid at the time of purchase, and the balance at any time thereafter at the option of the purchaser, with interest on the unpaid balance at the rate of seven per cent per annum, payable annually into the State Treasury, in accordance with and subject to all the terms and conditions of payment, and forfeitures for non-payment of all interest and taxes due thereon, as is now provided by the laws regulating the sale and forfeiture of primary school lands: *Provided however,* That all of said Proviso.

lands which are valuable principally for the timber thereon, shall be sold for not less than five dollars per acre, the whole of the purchase money therefor to be paid at the date of purchase.¹

Proceeds of sale;
how applied.

(3930.) SEC. 4. The proceeds of the sale of said land shall be applied and used according to the conditions of the act of Congress granting the same to the State.

Commissioner
of State Land
Office author-
ized to sell the
lands.

(3931.) SEC. 5. Whenever said lands, or any part of them, shall have been selected, certified to the Commissioner of the State Land Office, withdrawn from market, and so marked on the plats, and certified by the Register of any United States Land Office for the proper district, by authority of the Commissioner of the General Land Office of the United States, the Commissioner of the State Land Office may, by direction of said Land Grant Board, sell said lands in quantities of not less than any legal subdivision, according to the original United States survey; and on such sale being made, the Commissioner of the State Land Office shall issue his certificate of sale in the usual form, setting forth the quantity and description of the land sold, the price per acre, the amount paid at the time of purchase, the balance due, with the annual rate of interest, and the time the interest is payable, as is required by law for the payment of interest on contracts for the purchase of primary school lands, and that the purchaser will be entitled to a patent from this State on payment in full of the principal and interest, together with all taxes assessed on such land.

Commissioner
to issue certi-
cate.

Effect of certi-
ficates.

(3932.) SEC. 6. Certificates of purchase issued pursuant to the provisions of law shall entitle the purchaser to the possession of the lands therein described, and shall be sufficient evidence of title to enable the purchaser, his heirs or assigns, to maintain actions of trespass for injuries done to the same, or ejectment, or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

Patents.

(3933.) SEC. 7. The Governor of this State shall sign and cause to be issued patents for said lands, as soon as practicable after payment is made in full of principal, interest, and all taxes, as aforesaid.

How money re-
ceived from sale
to be disposed of

(3934.) SEC. 8. The money received from the sale of said lands shall be paid into the State Treasury, and the amount thereof shall be placed to the credit of the agriculture college fund, upon the

¹ As amended by Act 84 of the Laws of 1899, p. 51, approved and took effect March 14, 1899.

books of the Auditor General, to constitute a perpetual fund, the capital of which shall remain forever undiminished; and the annual interest thereon, computed at seven per cent, shall be regularly applied under the direction of the State Board of Agriculture, to the support and maintenance of the State Agriculture College, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanic arts, in order to promote the liberal and practical education of industrial classes in the several pursuits and professions of life.¹

How interest
shall be disposed
of.

Leading object
of College.

(3935.) SEC. 9. The said Land Grant Board shall, on finding that there is not in this State a sufficient amount of land belonging to the United States, subject to private entry, to make up the full amount of the land granted by said act of Congress, notify the Commissioner of the United States Land Office of the fact, and obtain, as soon as practicable, from the proper authority, permission to select an amount sufficient to make up such deficiency from United States lands in other States or Territories of the United States, and shall send one or more commissioners into such States or territories to select the same, under such rules and regulations as said Board may prescribe.

Proceedings in
case there is not
an amount of
land in the State
equal to the
grant.

(3936.) SEC. 10. The Agricultural Land Grant Board shall certify, from time to time, to the Auditor General the amounts required to pay expenses of selecting and locating and making returns of said lands, and the Auditor General shall draw his warrant upon the State Treasurer for the amounts thus certified, and the State Treasurer shall pay the same out of the general fund. Said Land Grant Board may make such rules and regulations, in relation to the time and manner of selecting and locating the lands, making the returns and keeping the accounts of expenses, as they may deem necessary and proper. All contracts and certificates of said Board shall be signed by the chairman, and countersigned by the secretary of the Agricultural Land Grant Board.

Expenses of lo-
cating; how
paid.

Board may
make rules and
regulations.

(3937.) SEC. 11. In the sale of lands, the principal value of which consists in the timber, the Commissioner of the State Land Office shall require the payment of the entire amount of purchase money at the time of purchase, or such portion of the same above one-fourth as he may deem for the best interest of the State.

Commissioner
may require full
payment for
lands.

SEC. 12. This act shall take immediate effect.

¹As amended by Act 68 of the Laws of 1871, p. 87, approved and took effect March 31, 1871.

An Act to provide for the sale of the swamp lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

[Approved February 4, 1858. Laws of 1858, p. 169.]

Commissioner
to have control
of swamp lands.

(3938.) SECTION 1. *The People of the State of Michigan enact,* That the swamp lands granted to said State by act of Congress approved September twenty-eighth, one thousand eight hundred and fifty, shall continue under the supervision of the Commissioner of the State Land office, and subject to sale by him, as hereinafter provided; but none of said lands shall be offered for sale prior to the issue of patents to the State therefor.

Lands offered
for sale.

(3939.) SEC. 2. Said lands shall first be offered at public sale, by auction, but shall not be sold at a less price than one dollar and twenty-five cents per acre, which shall be the minimum price therefor, and shall be subject to entry at private sale at such minimum price, after being offered at public auction, as in this act provided, and such lands shall be sold at public and private sale in the smallest legal subdivisions required by purchasers.

Price.

Notice of sale.

(3940.) SEC. 3. Before any such sale at auction shall be made, the said Commissioner shall cause a general notice, specifying the towns and ranges in which such lands may lie, and the time and place appointed for sale, to be published at least four successive weeks prior to said sale, in at least one paper in each county in the State where a paper shall be published at the time of giving such notice.¹

Sales; where
made.

(3941.) SEC. 4. The sales of said lands at public auction shall be made at Lansing, and, if deemed practicable by the Commissioner, at Saginaw City, Lexington, Newaygo, Ontonagon, Mackinaw, Grand Haven, and such other places as said Commissioner shall deem proper; and the said Commissioner, in his notice of sale at public auction, shall name the counties in which the lands are situated that he shall offer for sale at each of the places designated.

Sale may be ad-
journd.

The Commissioner, or any person whom he may duly authorize to sell said lands at public auction, may, in his discretion, adjourn said sale from time to time. The purchaser at such public sale shall pay on the day of sale the purchase money to the State Treasurer, or any person who shall be duly authorized by him to receive the same, and who shall attend the said sale, and he shall give official receipts for the money so received; and if the said purchaser shall refuse or neglect to make such payment, his bid shall be void,

Purchase mon-
ey, to whom
paid.

Bids not genu-
ine to be void.

¹ As amended by Act 106 of the Laws of 1859, p. 266, approved and took effect February 11, 1859.

and the tract shall again be offered at public sale, and such person shall be liable to pay to the people of the State the difference between his bid and the price at which the said land shall be sold (if less than his bid), with double costs, and may be arrested there- Penalty. for, and, if a recovery be had, imprisoned, as in cases where it is competent to proceed against the body.

(3942.) SEC. 5. All moneys heretofore received and all moneys hereafter received from the sales of said swamp lands donated by the aforesaid act of Congress, after deducting the expenses of sales, fifty per cent shall be denominated a primary school fund, and the interest thereof, at five per centum per annum, shall be appropriated and distributed in like manner as the primary school fund of this State; and fifty per cent shall be denominated a swamp land fund, and the interest thereof, at five per centum, shall be paid over annually to the order of the board of supervisors of the several counties, in the proportion in which the same is received from the sales in said counties respectively, to be used as said Board shall direct, in draining and reclaiming swamp lands in said county; and all the moneys received on such sales as aforesaid, after deducting the expenses as aforesaid, shall be used and applied to the payment of the outstanding indebtedness of the State, in the order in which the same shall fall due. Receipts from sales, to what purposes applied.

(3943.) SEC. 6. Purchasers of said lands, whether at public or private sale, shall be entitled to receive from the Commissioner of the State Land Office, a certificate of purchase, in which he shall certify the date of such purchase, the name of the purchaser, description of the land sold, and the price for which the same was sold; which purchase money shall be paid to the State Treasurer, or his agent or other person duly authorized, and indorsed by him upon said certificate of purchase, and countersigned by the Auditor General, in the form now in use in the certificates of purchase of State lands. Said certificate shall also state that such purchaser, his heirs, or assigns, shall be entitled to a patent for said land, to be executed by the Governor; and upon the presentation and surrender of such certificate to the Secretary of State, a patent shall issue to such purchaser or his assigns, as in cases now provided by law for the issue of patents; but no purchaser receiving such certificate or patent shall, by reason of such purchase, have any claims against the State for drainage, reclamation, or other improvements of such land, which condition shall be inserted in all certificates of purchase; and all such sales shall be made subject to drainage and Purchasers entitled to certificate What certificate is to state. Purchaser entitled to patent. Drainage.

reclamation by the purchaser, in accordance with the act of Congress granting such land to the State.

Statement of receipts to be published.

(3944.) SEC. 7. The Commissioner of the State Land Office shall publish, with his annual report, as now required by law, a statement of the receipts from sales of the swamp lands, exhibiting the amounts of sales in each county, together with the expenditures and disbursements under the provisions of this act.

Actual settlers.

(3945.) SEC. 8. Any person over twenty-one years of age, who shall, at the time of purchase, either at public or private sale, make affidavit of his or her intention to become an actual and *bona fide* settler upon said land so purchased, and furnish satisfactory evidence to said Commissioner that said land is valuable mainly for agricultural purposes, shall be allowed to purchase the same by paying at the time of such purchase twenty-five per cent of the purchase price, and the balance of principal at the option of the purchaser any time within ten years thereafter, and paying interest annually on said balance of principal; and said Commissioner shall, upon the payment of said twenty-five per centum, issue to said purchaser a certificate agreeable to the terms of said sale, which certificate shall be void if said purchaser or his assigns shall not, within one year thereafter, settle upon and become an actual and permanent resident thereon, and cultivate and improve the same; and the Commissioner of the Land Office is hereby authorized to designate one or more persons holding the office of justice of the peace or notary public, in each county, before whom alone the affidavit above required shall be made.¹

Amount to be paid at time of purchase.

Persons authorized to take affidavits.

Occupants of swamp lands authorized to purchase.

Amount limited.

Owners of adjoining lands.

(3946.) SEC. 9. Every settler or occupant of said lands at the time of the passage of this act, and who shall have been a settler thereon on the first day of December, one thousand eight hundred and fifty-seven, and which lands are valuable mainly as agricultural lands, is authorized to enter with the Commissioner of the Land Office, by legal subdivisions, any number of acres not above one-quarter section, in one body, to include his improvements; and any person owning and occupying lands adjoining any swamp lands on the first day of December, one thousand eight hundred and fifty-seven, valuable mainly for agricultural purposes, is also authorized to enter with the Commissioner of the Land Office, by legal subdivisions, any number of acres not to exceed one hundred and sixty acres, including the land and improvements so owned and occupied by said claimant.

¹ Vide note to section 8 of this act.

(3947.) SEC. 10. If two or more persons are settled upon and claim the same quarter section, the said quarter section shall be divided between the first two settlers, if by a line east and west, or north and south, the improvements of each can be included on a half-quarter section ; and in such case each of said persons shall be entitled to enter a half-quarter section elsewhere on said lands.

Conflicting claims; how adjusted.

(3948.) SEC. 11. Any person claiming pre-emption under this act shall make proof of settlement, within sixty days from the passage of this act, to the Commissioner, to his satisfaction, in such manner as hereinafter directed, and agreeable to such rules and regulations as shall be from time to time prescribed by such Commissioner; and shall also, within the same time, make proof of the character and quality of said land claimed; and said Commissioner shall make entry, in a book kept for that purpose, that said land is claimed.

Proof of settlement, etc., within sixty days.

(3949.) SEC. 12. No person shall be entitled to more than one pre-emption right by virtue of this act, nor shall any person be entitled to any rights of pre-emption under this act, who is at the same time the proprietor of a half-quarter section of land in any State or Territory of the United States, and no section or fraction of sections included within the limits of any incorporated village or city, and no part of a lot settled and occupied for purposes of trade and not for agriculture, and no lands on which are known salines or mines, shall be liable to entry by pre-emption by virtue of this act.

Redemption rights defined.

(3950.) SEC. 13. Before any person shall be entitled to enter any lands by pre-emption under the provisions of this act, such person shall make proof to the Commissioner of the State Land Office, by his affidavit and other testimony, in such manner as said Commissioner shall direct, that said land is valuable mainly as farming land, and not for timber; that he has resided upon the same since the first day of December, eighteen hundred and fifty-seven; that he or she has never had the benefit of any pre-emption under this act; that he or she is not the owner of a half-quarter section of land in any State or Territory of the United States, and that he or she has not abandoned a residence on other lands still owned by him or her, to reside upon said land claimed under this act; and if any such person shall swear falsely in the premises, they shall be liable to all the pains and penalties of perjury.

What affidavit is to state.

Penalty for false swearing.

(3951.) SEC. 14. Any person pre-empting under this act shall, within one year from the passage of this act, pay to the State Treasurer twenty-five per cent of the minimum price of said land,

Payment, when made.

and the Commissioner of the Land Office shall issue to him, upon the payment of said twenty-five per cent, a certificate requiring the payment of the balance of principal at any time, at the option of the purchaser, not exceeding ten years from the date of said certificate, and the payment of interest annually; and said certificate shall be void, and all payments thereon forfeited, if default be made thereon.

Taxation.

(3952.) SEC. 15. The part-paid swamp lands heretofore sold, and which shall hereafter be sold, shall be assessed in the same manner, and the taxes thereon shall be collected in the same manner, in all respects as part-paid primary school lands.

Disposition of certain swamp lands in Clinton and Ingham counties.

(3953.) SEC. 16. All of said swamp lands situate in the townships of Lansing and Meridian, in the county of Ingham, and in the townships of DeWitt and Bath, county of Clinton, except such as have been occupied by persons entitled to pre-emption under this act at least thirty days next previous to the passage of this act, shall be reserved from sale by said Commissioner, and possession of the same shall be immediately delivered over to the Agricultural College for its use, and for the purposes of drainage and reclamation, in accordance with the provisions of the act of Congress donating the same to the State.

Existing laws to apply to swamp lands.

(3954.) SEC. 17. All the provisions of law now in force, not inconsistent with this act and applicable to the public lands of this State, shall be held to apply to the said swamp lands, and all powers and duties prescribed to any public officer or court or prosecuting attorney, relative to the public lands, shall, if not inconsistent with this act, be exercised and performed in relation to said swamp lands.

Repeal.

(3955.) SEC. 18. The provisions of act number one hundred and six, approved February fourteenth, eighteen hundred and seventy-five, except the tenth and eleventh sections thereof, are hereby repealed,

SEC. 19. This act is ordered to take immediate effect.

An Act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches.

[Approved February 12, 1859. Laws of 1859, p. 310.]

Preamble.

Whereas, The act of Congress of September twenty-eighth, eighteen hundred and fifty, granting to this State certain lands known as swamp lands, requires said lands, or the proceeds thereof, to be applied, so far as necessary, to the purpose of reclaiming said lands:

And whereas, In the opinion of the Legislature, one of the most efficient means of effecting that end is the construction of roads, with proper ditches and drains, through the more unsettled parts of the State, where such lands are chiefly situated; therefore,

SECTION 1.¹ *The People of the State or Michigan enact:*

(3956.) SEC. 2. For the purpose of laying out and establishing said roads, and procuring the right of way for the same, the commissioner appointed in pursuance of this act shall have power to survey, or cause to be surveyed, any route for a road to be constructed under the provisions of this act, which will not be less than four nor more than six rods wide, across any of the public lands, the lands of this State, or any private person, and, for the location, laying out, and opening of such roads, to enter upon and take for the use thereof any such lands lying within the boundaries of the road, and not in any incorporated city or village: *Provided,* That when it shall be necessary, in constructing such roads, to take the land of any private person or owner, the commissioner shall proceed as follows: He shall proceed to view the lands so to be taken, and may give to the owner or occupant such notice as he may deem reasonable, to be present at the view and make such showing as he may desire touching title, and the amount of damages to be sustained by such taking; and having taken such view, the commissioner shall thereupon estimate the amount of such damages, if any, and make and sign a certificate of his finding, describing the lands in question, and cause the same to be filed in the office of the State Treasurer; and in case the same shall be approved by the Board mentioned in the third section of this act, such damages shall be paid out of any moneys in the State Treasury that shall at any time, after the passage of this act, accrue from the sales of the swamp lands: *Provided,* That for all roads other than those mentioned in the first section of this act, the said certificate shall be filed with the county treasurer of the county in which such land is located, and the amount, on being allowed by the board of supervisors of said county, shall be paid by said treasurer out of any funds of said county not otherwise appropriated; and upon such payment or tender, or of the Auditor's warrant on the State Treasurer, or the order of the board of supervisors on the treasurer of the county, as the case may be, for the amount of such damages to the owner, his agent, or to the occupant, the land may be taken, entered upon, and used for the purposes of such road; but in case said Board, or either of them, shall disapprove of

Commissioner authorized to survey.

What lands may be taken.

Proceedings when private property is taken.
View of premises and notice.

Estimate of damages.

Filing thereof; approval of estimate.

Damages, how paid.

When filed with county treasurer
How allowed.
How paid.

Upon tender of payment the land may be taken.

¹ Special roads. See Laws of 1867, p. 275.

Re-estimate of damages.	such estimate or finding, the commissioners shall re-estimate the damages, in the manner and to the effect aforesaid. ¹
Commissioners.	(3957.) SEC. 3. There shall be appointed, in the manner hereinbefore provided, for the aforesaid roads, or for any other road that shall hereinafter be constructed under the provisions of this act, one commissioner for each of said roads, whose term of office shall
Terms of office.	be for three years, unless such road shall be sooner completed, and until his successor shall be appointed and qualified, unless sooner removed, in which case another shall be appointed in his stead :
Removal.	and the Governor shall have unconditional power of removal, and all vacancies shall be filled by appointment by the Governor. The
Board of Control	Governor, Secretary of State, Auditor General, State Treasurer, Attorney General, and Commissioner of the State Land Office shall constitute a board of control, and shall have power, and it shall be
Their powers.	their duty, whenever, in their judgment, the public interest shall require it, to suspend the surveys or operations on any of said roads, or those of any roads to be hereafter constructed under the provisions of this act, and to direct re-surveys, with a view to the selection of more fit and convenient localities for the road, and to direct, from time to time, what work shall be commenced, sus-
	suspended, or discontinued, and to extend the time for completing the work of any contract, and to correct all errors in contracts, whether of description or otherwise, and to allow interest on the unpaid amount of any existing contract for the payment of money, from and after the completion and acceptance of the work stipulated to be done in said contract ; and this provision shall be embodied in every contract under this act. ²
Commissioner's oath and bond.	(3958.) SEC. 4. Immediately after being notified of his appointment, it shall be the duty of said commissioner to take and subscribe the oath of office prescribed by the Constitution and laws of this State, which oath of office, together with an official bond in the sum of five thousand dollars, with good and sufficient sureties, to be approved by said Board, and conditioned for the faithful performance of his duties, shall be filed in the office of Secretary of State, whereupon said commissioner may enter upon his duties,
Where filed.	as prescribed by this act. (³ Upon the acceptance, approval, and
Proportional certificates only to issue upon part completion.	cancelment of any portion of such contract, less than the whole, certificates shall be issued only to meet the proportionate expense

¹ As amended by Act 107 of the Laws of 1861, p. 187, approved March 7, 1861.

² Vide note to section 2 of this act.

³ The portion of this section inclosed in parentheses properly belongs to section four of this act, as indicated by the note, but was, it is supposed, incorrectly enrolled.

PUBLIC LANDS.

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of constructing the same, not exceeding the contract price, as certified by the commissioners of said road.)¹

(3959.) SEC. 5. To secure the construction of roads under this Appropriation, there shall be and is hereby appropriated, of the money herein-
 after to accrue upon the sale of the swamp lands, an average
 amount per mile on such [each] of said roads, not exceeding the
 sum of six hundred and forty acres of said lands, at the minimum
 fixed by the laws of this State: *Provided*, That no more
 than four hundred thousand acres of said swamp lands shall be
 used for the construction of all the roads heretofore authorized
 constructed under this act, to be distributed to them, under
 sanction of said board; and the Auditor General shall be
 arrant to which of said roads it relates, and shall, as shall
 State Treasurer, keep a separate account with each road,
 manner as to show the amount expended upon each: *And*
further, That any contractor for the construction of any
 road, or any part thereof, may elect to take lands in lieu of
 liquidation of such contract, or any portion thereof,
 contract price for the construction of two miles, or in
 existing cash contracts, accepted and approved at the
 act, and that no more than an average of six hun-
 dred acres of said lands shall be stipulated to be paid per
 said roads: *Provided*, That there may be more
 than the Upper Peninsula; and the lands stipulated
 construction of roads under the provisions of their
 selected by contractors, on the approval of
 by the Governor, anywhere in this State: *Pro-*
vided, That the lands shall be
 selected in the Upper Peninsula. Lands
 to apply on said contracts shall, on filing
 of the Land Office a list thereof, be with-
 held: *Provided*, That in all those contracts
 made prior to May 7, 1861,
 one thousand eight hundred and
 fifty acres in which such work is performed,
 at the full completion of all the work
 contract, or any two consecutive miles

Limitation in Upper Peninsula
Selection of lands by contractors.
Proviso
Lands selected to be withheld from market.
Selection of land on contracts made prior to May 7, 1861.
Upon completion of work certification to issue

section 2 of this act.

thereof, and on its due acceptance, approval, and cancelment, or on the due acceptance, approval, and cancelment of any such two consecutive miles, the Commissioner of the State Land Office shall issue to such contractor, his heirs or assigns, certificates of lands so selected.

Upon part completion proportional certificates to issue.

Upon the acceptance, approval, and cancelment of any portion of such contract, less than the whole, certificates shall be issued only to meet the proportionate expense of constructing the same, not exceeding the contract price, as certified by the commissioner of said road. The Auditor General, on the presentation of the certificate of the Commissioner of the Land Office, is hereby required to issue his warrant for the amount of land mentioned in said certificate; and the value of the lands so taken shall be charged at the minimum price fixed by law against the proper road, in the account of the State Treasurer and Auditor General.¹

Auditor General to issue warrants.

Appointment.

(3960.) SEC. 6. The money applicable to said roads shall be annually apportioned among the several roads in proportion to the quantity of swamp lands in the counties through which the roads pass, respectively. And it shall be the duty of the State Treasurer, on or before the first day of July of each year, to make out a statement of the amount which is or may be applicable to said roads during the twelve months next thereafter, with the amount apportioned to each of said roads, and to transmit a copy of such statement to one or more of the commissioners of each of said roads, which statement and apportionment shall be based upon the amount of money then in the Treasury applicable to said roads, and the estimated receipts into the Treasury from the sale of swamp lands during the next succeeding six months; and no contract or contracts for work on any of said roads, exceeding the amount so estimated as applicable to such road, shall be made until the next annual apportionment by the State Treasurer, unless such contract shall be payable in land, as in this act provided; but contracts may be made for the construction of the whole or any part of any of said roads payable in said swamp lands, as by this act prescribed.

Statement of State Treasurer.

On what to be based.

Contract not to exceed estimate.

Notice of letting contracts.

(3961.) SEC. 7. Contracts shall not be let for work upon any of said roads until thirty days' public notice of the time and place of letting shall have been given in some newspaper published in the county in which such letting is to take place, if a newspaper be published in such county, and also in a paper in Lansing, and be posted up in at least twenty of the most public places in the county in which such letting is to take place. Every contract

¹As amended by Act 26 of the Laws of 1862, p. 56, approved and took effect January 18, 1862.

shall be in writing, and shall not be valid, if payable in money, until a copy of the same, accompanied by a survey of the portion of the road to be constructed under the same, has been filed in the office of the State Treasurer; and if payable in land, in the office of the Commissioner of the State Land Office; and if payable in land and money, in both of said offices. Upon the receipt of any contract for work upon any of the said roads, it shall be the duty of the State Treasurer or the Commissioner of the State Land Office, as the case may be, to lay the same before the Governor for his approval, and if approved, such approval shall be indorsed upon the contract, and the same shall thereupon become valid, and be placed on file, as hereinbefore provided. If the Governor do not approve such contract, he shall indorse his disapproval thereon, whereupon the same shall be void, and be immediately returned to the commissioner from whom it was received. Such contracts shall, in all cases, be let to the lowest responsible bidder for such work, and good security, in the discretion of the Governor, shall be given for the faithful performance of such work.¹

Contracts to be
in writing.
When valid.

Where filed.

Approval of
Governor.

Security.

(3962.) SEC. 8. Every such contract shall contain a description of the land covered by the same, the distance said road is to be constructed over dry, wet, or swamp lands and marshes, the number, dimensions, and construction of sluices and bridges, and width of road-bed, of clearing and grubbing, and provisions requiring ditches on each side of said road sufficient to carry off the surface water, and ample side drains wherever the same are necessary, and that over all low or wet lands and marshes, the grading shall be of sufficient height to form a dry road-bed; and the Commissioner shall cause a true survey of the route of any such road, through any county, to be filed and recorded in the office of the register of deeds thereof; and it shall be the duty of the commissioner, on all roads laid out or constructed under the provisions of this act, to make out and forward to the Governor, a full report of all his doings on any road under his charge, during the month of October in each year, and he shall also report at such other times as the Governor shall direct.²

Specification of
contracts.

Survey of route.

Where filed.

Commissioner's
report.

(3963.) SEC. 9. Upon completion of all the work by any contract required to be done on any of said roads, or any two consecutive miles thereof, it shall be the duty of the commissioner for said

Completion of
work, how veri-
fied.

¹ As amended by Act 224 of the Laws of 1868, p. 879, approved and took effect March 20, 1868.

² Vide note to section 2 of this act.

road officially to certify to such completion; which certificate shall state that the terms of said contract have been fully and faithfully complied with, and shall be verified by the oath of the commissioner, and upon the presentation of such certificate, and the release of his or their contract, or the portion thereof so certified to be performed, if payable in money, it shall be the duty of the State Treasurer to pay the same, or the amount due thereon, from any money applicable to the construction of said road, and pay to each contractor all money apportioned to his contracts and apply the same on any one certified to be completed; and in case there is not sufficient money in the Treasury applicable to any contract to pay the same, the contractor shall be entitled to, and it shall be the duty of the Auditor General to draw his warrant on the Treasurer, payable to order, with interest as provided in section two of this act, for the whole or any balance of said contract, which shall be paid by the Treasurer from any money in the Treasury applicable to said road fund; and if payable in land, it shall be the duty of the Commissioner of the State Land Office, upon like presentation and release, to cause to be issued from the proper department, certificate for the lands selected and applied to said contract by the provisions of this act: *Provided*, That before any such payment shall be made it shall be competent for the Governor, and he may at his discretion appoint also a special commissioner to examine and certify, on oath, to the completion of any contract, or the progress made towards such completion, on any of said roads; and in case such special commissioner shall be appointed, no payment shall be made except upon his additional certificate of completion, as aforesaid.¹

(3964.) SEC. 10. The compensation of said commissioner, or special commissioner, shall be three dollars a day for the time actually employed in the discharge of his duty under this act, an account of which shall be rendered in detail, and all accounts for such services shall be verified by the oath of the commissioner, or special commissioner, claiming the pay for such services; and when so sworn to and allowed by the Board of State Auditors, it shall be the duty of the State Treasurer to pay the same upon the warrant by the Auditor General, out of any money applicable to the same. It shall be the duty of the State Treasurer to pay accounts for the necessary surveys of said roads, said account to be certified and allowed as hereinbefore provided in case of services rendered by the commissioner.¹

¹ Vide note to section 2 of this act.

(3965.) SEC. 11. No money shall be applied in the payment for survey of such routes; the acquisition of the right of way, the payment of any services or expenses not included in contracts for construction, or for constructing or opening of the roads, or any of them, out of any other State funds than that arising from the sale of swamp lands: *Provided*, That if the person to whom any money may be due for services or expenses as aforesaid, other than on contracts for construction, shall elect to take land for the same, at the minimum price fixed by law, in lieu of money, in liquidation of such claim, as well as for construction, upon the auditing and allowing of the claims by the board of control authorized by this act, he shall receive pay in land, under and subject to the provisions of this act, the same as for the payment of contractors for construction of said roads; but if he shall not so elect to take lands for such services or expenses, other than on contracts for construction, it shall be lawful for the board of supervisors of the proper county to pay, and they shall audit and pay such claim out of any moneys of the county not otherwise appropriated, so far as such charges or expenses accrue on any roads located by this act in such counties.¹

Money expended to be paid from the swamp land fund.

Proviso.

When counties are to pay certain expenses.

(3966.) SEC. 12. There is hereby appropriated two hundred thousand acres of swamp lands of this State, to be expended in draining and reclaiming said lands by means of levees and ditches, which land is hereby placed under the direction of said board of control, and may, under their direction, be appropriated at the minimum price fixed by law for said lands, from time to time, for that purpose, in such localities and under such rule and regulations as they may prescribe: *Provided*, That said board shall apportion said lands, as near as may be, to the organized counties of the Lower Peninsula, according to the number of acres lying in said counties at the time of the grant of said lands by Congress.²

Placed at the disposal of the Board of Control

Proviso.

(3967.) SEC. 13. In all cases in which there shall be one thousand acres or more in one body of such swamp lands in any surveyed township, the Commissioner of the Land Office, with the approval of the board of control, may sell at public auction, to the highest bidder, all the swamp lands of such township, in whole or in parcels, as such board of control shall determine and direct, subject to such system of thorough drainage as said board of control shall prescribe; and such lands shall not be conveyed to the purchasers thereof until such drainage shall be fully completed.

Lands, when sold at public auction.

¹ Vide note to section 5 of this act.

² Vide note to section 2 of this act.

and the Commissioner of the Land Office shall issue to him, upon the payment of said twenty-five per cent, a certificate requiring the payment of the balance of principal at any time, at the option of the purchaser, not exceeding ten years from the date of said certificate, and the payment of interest annually; and said certificate shall be void, and all payments thereon forfeited, if default be made thereon.

Taxation.

(3952.) SEC. 15. The part-paid swamp lands heretofore sold, and which shall hereafter be sold, shall be assessed in the same manner, and the taxes thereon shall be collected in the same manner, in all respects as part-paid primary school lands.

Disposition of certain swamp lands in Clinton and Ingham counties.

(3953.) SEC. 16. All of said swamp lands situate in the townships of Lansing and Meridian, in the county of Ingham, and in the townships of DeWitt and Bath, county of Clinton, except such as have been occupied by persons entitled to pre-emption under this act at least thirty days next previous to the passage of this act, shall be reserved from sale by said Commissioner, and possession of the same shall be immediately delivered over to the Agricultural College for its use, and for the purposes of drainage and reclamation, in accordance with the provisions of the act of Congress donating the same to the State.

Existing laws to apply to swamp lands.

(3954.) SEC. 17. All the provisions of law now in force, not inconsistent with this act and applicable to the public lands of this State, shall be held to apply to the said swamp lands, and all powers and duties prescribed to any public officer or court or prosecuting attorney, relative to the public lands, shall, if not inconsistent with this act, be exercised and performed in relation to said swamp lands.

Repeal.

(3955.) SEC. 18. The provisions of act number one hundred and six, approved February fourteenth, eighteen hundred and seventy-five, except the tenth and eleventh sections thereof, are hereby repealed,

SEC. 19. This act is ordered to take immediate effect.

An Act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches.

[Approved February 12, 1859. Laws of 1859, p. 310.]

Preamble.

Whereas, The act of Congress of September twenty-eighth, eighteen hundred and fifty, granting to this State certain lands known as swamp lands, requires said lands, or the proceeds thereof, to be applied, so far as necessary, to the purpose of reclaiming said lands:

And whereas, In the opinion of the Legislature, one of the most efficient means of effecting that end is the construction of roads, with proper ditches and drains, through the more unsettled parts of the State, where such lands are chiefly situated; therefore,

SECTION 1.¹ *The People of the State or Michigan enact:*

(3956.) SEC. 2. For the purpose of laying out and establishing said roads, and procuring the right of way for the same, the commissioner appointed in pursuance of this act shall have power to survey, or cause to be surveyed, any route for a road to be constructed under the provisions of this act, which will not be less than four nor more than six rods wide, across any of the public lands, the lands of this State, or any private person, and, for the location, laying out, and opening of such roads, to enter upon and take for the use thereof any such lands lying within the boundaries of the road, and not in any incorporated city or village: *Provided,* That when it shall be necessary, in constructing such roads, to take the land of any private person or owner, the commissioner shall proceed as follows: He shall proceed to view the lands so to be taken, and may give to the owner or occupant such notice as he may deem reasonable, to be present at the view and make such showing as he may desire touching title, and the amount of damages to be sustained by such taking; and having taken such view, the commissioner shall thereupon estimate the amount of such damages, if any, and make and sign a certificate of his finding, describing the lands in question, and cause the same to be filed in the office of the State Treasurer; and in case the same shall be approved by the Board mentioned in the third section of this act, such damages shall be paid out of any moneys in the State Treasury that shall at any time, after the passage of this act, accrue from the sales of the swamp lands: *Provided,* That for all roads other than those mentioned in the first section of this act, the said certificate shall be filed with the county treasurer of the county in which such land is located, and the amount, on being allowed by the board of supervisors of said county, shall be paid by said treasurer out of any funds of said county not otherwise appropriated; and upon such payment or tender, or of the Auditor's warrant on the State Treasurer, or the order of the board of supervisors on the treasurer of the county, as the case may be, for the amount of such damages to the owner, his agent, or to the occupant, the land may be taken, entered upon, and used for the purposes of such road; but in case said Board, or either of them, shall disapprove of

Commissioner authorized to survey.

What lands may be taken.

Proceedings when private property is taken. View of premises and notice.

Estimate of damages.

Filing thereof; approval of estimate.

Damages, how paid.

When filed with county treasurer How allowed. How paid.

Upon tender of payment the land may be taken.

¹ Special roads. See Laws of 1867, p. 275.

Re-estimate of damages.	such estimate or finding, the commissioners shall re-estimate the damages, in the manner and to the effect aforesaid. ¹
Commissioners.	(3957.) SEC. 3. There shall be appointed, in the manner hereinbefore provided, for the aforesaid roads, or for any other road that shall hereinafter be constructed under the provisions of this act, one commissioner for each of said roads, whose term of office shall
Terms of office.	be for three years, unless such road shall be sooner completed, and until his successor shall be appointed and qualified, unless sooner removed, in which case another shall be appointed in his stead ;
Removal.	and the Governor shall have unconditional power of removal, and all vacancies shall be filled by appointment by the Governor. The
Board of Control	Governor, Secretary of State, Auditor General, State Treasurer, Attorney General, and Commissioner of the State Land Office shall constitute a board of control, and shall have power, and it shall be
Their powers.	their duty, whenever, in their judgment, the public interest shall require it, to suspend the surveys or operations on any of said roads, or those of any roads to be hereafter constructed under the provisions of this act, and to direct re-surveys, with a view to the selection of more fit and convenient localities for the road, and to direct, from time to time, what work shall be commenced, suspended, or discontinued, and to extend the time for completing the work of any contract, and to correct all errors in contracts, whether of description or otherwise, and to allow interest on the unpaid amount of any existing contract for the payment of money, from and after the completion and acceptance of the work stipulated to be done in said contract ; and this provision shall be embodied in every contract under this act. ²
Commissioner's oath and bond.	(3958.) SEC. 4. Immediately after being notified of his appointment, it shall be the duty of said commissioner to take and subscribe the oath of office prescribed by the Constitution and laws of this State, which oath of office, together with an official bond in the sum of five thousand dollars, with good and sufficient sureties, to be approved by said Board, and conditioned for the faithful performance of his duties, shall be filed in the office of Secretary of State, whereupon said commissioner may enter upon his duties, as prescribed by this act. (³ Upon the acceptance, approval, and cancelment of any portion of such contract, less than the whole, certificates shall be issued only to meet the proportionate expense
Where filed.	
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¹ As amended by Act 107 of the Laws of 1861, p. 187, approved March 7, 1861.

² Vide note to section 2 of this act.

³ The portion of this section inclosed in parentheses properly belongs to section four of this act, as indicated by the note, but was, it is supposed, incorrectly enrolled.

of constructing the same, not exceeding the contract price, as certified by the commissioners of said road.)¹

(3959.) SEC. 5. To secure the construction of roads under this act, there shall be and is hereby appropriated, of the money hereinafter to accrue upon the sale of the swamp lands, an average amount per mile on such [each] of said roads, not exceeding the value of six hundred and forty acres of said lands, at the minimum price fixed by the laws of this State: *Provided*, That no more than four hundred thousand acres of said swamp lands shall be applied for the construction of all the roads heretofore authorized to be constructed under this act, to be distributed to them, under the direction of said board; and the Auditor General shall note in his warrant to which of said roads it relates, and shall, as shall also the State Treasurer, keep a separate account with each road, in such manner as to show the amount expended upon each: *And provided further*, That any contractor for the construction of any of said roads, or any part thereof, may elect to take lands in lieu of money, in liquidation of such contract, or any portion thereof, equal to the contract price for the construction of two miles, or in payment of existing cash contracts, accepted and approved at the passage of this act, and that no more than an average of six hundred and forty acres of said lands shall be stipulated to be paid per mile for any of said roads: *Provided*, That there may be more than that amount, and not exceeding two sections to the mile, applied to roads in the Upper Peninsula; and the lands stipulated to be paid for the construction of roads under the provisions of this act may be selected by contractors, on the approval of their bonds and contracts by the Governor, anywhere in this State: *Provided*, That for roads in the Lower Peninsula, the lands shall be selected in the Lower Peninsula, and for roads in the Upper Peninsula, the lands shall be selected in the Upper Peninsula. Lands selected by contractors to apply on said contracts shall, on filing with the Commissioner of the Land Office a list thereof, be withheld from market during the full time specified in said contract for the completion thereof: *Provided*, That in all those contracts made prior to March seventh, one thousand eight hundred and sixty-one, where the party has contracted to take lands, such lands shall be selected in those counties in which such work is performed, according to contract. Upon the full completion of all the work provided for in any such contract, or any two consecutive miles

Appropriation.

Limitation.

Proviso.

Separate account of expenditures to be kept.

Lands may be taken in lieu of money.

Limitation in Upper Peninsula

Selection of lands by contractors.

Proviso.

Lands selected to be withheld from market.

Selection of land on contracts made prior to May 7, 1861.

Upon completion certificates to issue.

¹ Vide note to section 3 of this act.

	thereof, and on its due acceptance, approval, and cancelment, or on the due acceptance, approval, and cancelment of any such two consecutive miles, the Commissioner of the State Land Office shall issue to such contractor, his heirs or assigns, certificates of lands so selected.
Upon part completion proportional certificates to issue.	Upon the acceptance, approval, and cancelment of any portion of such contract, less than the whole, certificates shall be issued only to meet the proportionate expense of constructing the same, not exceeding the contract price, as certified by the commissioner of
Auditor General to issue warrants.	said road. The Auditor General, on the presentation of the certificate of the Commissioner of the Land Office, is hereby required to issue his warrant for the amount of land mentioned in said certificate; and the value of the lands so taken shall be charged at the minimum price fixed by law against the proper road, in the account of the State Treasurer and Auditor General. ¹
Appointment.	(3960.) SEC. 6. The money applicable to said roads shall be annually apportioned among the several roads in proportion to the quantity of swamp lands in the counties through which the roads
Statement of State Treasurer.	pass, respectively. And it shall be the duty of the State Treasurer, on or before the first day of July of each year, to make out a statement of the amount which is or may be applicable to said roads during the twelve months next thereafter, with the amount apportioned to each of said roads, and to transmit a copy of such statement to one or more of the commissioners of each of
On what to be based.	said roads, which statement and apportionment shall be based upon the amount of money then in the Treasury applicable to said roads, and the estimated receipts into the Treasury from the sale of swamp lands during the next succeeding six months; and no contract or
Contract not to exceed estimate.	contracts for work on any of said roads, exceeding the amount so estimated as applicable to such road, shall be made until the next annual apportionment by the State Treasurer, unless such contract shall be payable in land, as in this act provided; but contracts may be made for the construction of the whole or any part of any of said roads payable in said swamp lands, as by this act prescribed.
Notice of letting contracts.	(3961.) SEC. 7. Contracts shall not be let for work upon any of said roads until thirty days' public notice of the time and place of letting shall have been given in some newspaper published in the county in which such letting is to take place, if a newspaper be published in such county, and also in a paper in Lansing, and be posted up in at least twenty of the most public places in the county in which such letting is to take place. Every contract

¹As amended by Act 26 of the Laws of 1862, p. 56, approved and took effect January 18, 1863.

shall be in writing, and shall not be valid, if payable in money, until a copy of the same, accompanied by a survey of the portion of the road to be constructed under the same, has been filed in the office of the State Treasurer; and if payable in land, in the office of the Commissioner of the State Land Office; and if payable in land and money, in both of said offices. Upon the receipt of any contract for work upon any of the said roads, it shall be the duty of the State Treasurer or the Commissioner of the State Land Office, as the case may be, to lay the same before the Governor for his approval, and if approved, such approval shall be indorsed upon the contract, and the same shall thereupon become valid, and be placed on file, as hereinbefore provided. If the Governor do not approve such contract, he shall indorse his disapproval thereon, whereupon the same shall be void, and be immediately returned to the commissioner from whom it was received. Such contracts shall, in all cases, be let to the lowest responsible bidder for such work, and good security, in the discretion of the Governor, shall be given for the faithful performance of such work.¹

Contracts to be
in writing.
When valid.

Where filed.

Approval of
Governor.

Security.

(3962.) SEC. 8. Every such contract shall contain a description of the land covered by the same, the distance said road is to be constructed over dry, wet, or swamp lands and marshes, the number, dimensions, and construction of sluices and bridges, and width of road-bed, of clearing and grubbing, and provisions requiring ditches on each side of said road sufficient to carry off the surface water, and ample side drains wherever the same are necessary, and that over all low or wet lands and marshes, the grading shall be of sufficient height to form a dry road-bed; and the Commissioner shall cause a true survey of the route of any such road, through any county, to be filed and recorded in the office of the register of deeds thereof; and it shall be the duty of the commissioner, on all roads laid out or constructed under the provisions of this act, to make out and forward to the Governor, a full report of all his doings on any road under his charge, during the month of October in each year, and he shall also report at such other times as the Governor shall direct.²

Specification of
contracts.

Survey of route.

Where filed.

Commissioner's
report.

(3963.) SEC. 9. Upon completion of all the work by any contract required to be done on any of said roads, or any two consecutive miles thereof, it shall be the duty of the commissioner for said

Completion of
work, how veri-
fied.

¹ As amended by Act 224 of the Laws of 1868, p. 879, approved and took effect March 20, 1868.

² Vide note to section 2 of this act.

	road officially to certify to such completion; which certificate shall state that the terms of said contract have been fully and faithfully complied with, and shall be verified by the oath of the commissioner, and upon the presentation of such certificate, and the release of his or their contract, or the portion thereof so certified to be performed, if payable in money, it shall be the duty of the State Treasurer to pay the same, or the amount due thereon, from any money applicable to the construction of said road, and pay to each contractor all money apportioned to his contracts and apply the same on any one certified to be completed; and in case there is not sufficient money in the Treasury applicable to any contract to pay the same, the contractor shall be entitled to, and it shall be the duty of the Auditor General to draw his warrant on the Treasurer, payable to order, with interest as provided in section two of this act, for the whole or any balance of said contract, which shall be paid by the Treasurer from any money in the Treasury applicable to said road fund; and if payable in land, it shall be the duty of the Commissioner of the State Land Office, upon like presentation and release, to cause to be issued from the proper department, certificate for the lands selected and applied to said contract by the provisions of this act: <i>Provided</i> , That before any such payment shall be made it shall be competent for the Governor, and he may at his discretion appoint also a special commissioner to examine and certify, on oath, to the completion of any contract, or the progress made towards such completion, on any of said roads; and in case such special commissioner shall be appointed, no payment shall be made except upon his additional certificate of completion, as aforesaid. ¹
Payment, how made.	
Warrants unpaid to draw interest.	
Certificates issued.	
Special commissioner.	
Compensation of commissioner.	(3964.) SEC. 10. The compensation of said commissioner, or special commissioner, shall be three dollars a day for the time actually employed in the discharge of his duty under this act, an account of which shall be rendered in detail, and all accounts for such services shall be verified by the oath of the commissioner, or special commissioner, claiming the pay for such services; and when so sworn to and allowed by the Board of State Auditors, it shall be the duty of the State Treasurer to pay the same upon the warrant by the Auditor General, out of any money applicable to the same.
Accounts of.	It shall be the duty of the State Treasurer to pay accounts for the necessary surveys of said roads, said account to be certified and allowed as hereinbefore provided in case of services rendered by the commissioner. ¹
Accounts for survey.	

¹ Vide note to section 9 of this act.

(3965.) SEC. 11. No money shall be applied in the payment for survey of such routes, the acquisition of the right of way, the payment of any services or expenses not included in contracts for construction, or for constructing or opening of the roads, or any of them, out of any other State funds than that arising from the sale of swamp lands: *Provided*, That if the person to whom any money may be due for services or expenses as aforesaid, other than on contracts for construction, shall elect to take land for the same, at the minimum price fixed by law, in lieu of money, in liquidation of such claim, as well as for construction, upon the auditing and allowing of the claims by the board of control authorized by this act, he shall receive pay in land, under and subject to the provisions of this act, the same as for the payment of contractors for construction of said roads; but if he shall not so elect to take lands for such services or expenses, other than on contracts for construction, it shall be lawful for the board of supervisors of the proper county to pay, and they shall audit and pay such claim out of any moneys of the county not otherwise appropriated, so far as such charges or expenses accrue on any roads located by this act in such counties.¹

Money expended to be paid from the swamp land fund.

Proviso.

When counties are to pay certain expenses.

(3966.) SEC. 12. There is hereby appropriated two hundred thousand acres of swamp lands of this State, to be expended in draining and reclaiming said lands by means of levees and ditches, which land is hereby placed under the direction of said board of control, and may, under their direction, be appropriated at the minimum price fixed by law for said lands, from time to time, for that purpose, in such localities and under such rule and regulations as they may prescribe: *Provided*, That said board shall apportion said lands, as near as may be, to the organized counties of the Lower Peninsula, according to the number of acres lying in said counties at the time of the grant of said lands by Congress.²

Placed at the disposal of the Board of Control

Proviso.

(3967.) SEC. 13. In all cases in which there shall be one thousand acres or more in one body of such swamp lands in any surveyed township, the Commissioner of the Land Office, with the approval of the board of control, may sell at public auction, to the highest bidder, all the swamp lands of such township, in whole or in parcels, as such board of control shall determine and direct, subject to such system of thorough drainage as said board of control shall prescribe; and such lands shall not be conveyed to the purchasers thereof until such drainage shall be fully completed.

Lands, when sold at public auction.

¹ Vide note to section 5 of this act.

² Vide note to section 2 of this act.

Sale advertised.	<p>Before making such sale the Commissioner shall advertise the time and place of such sales for twelve successive weeks, in a newspaper printed in the county in which such lands lie, if there be one; if no newspaper be published in the county, then in a newspaper printed at Lansing, and in such other manner as the Commissioner may deem proper; and the moneys arising from such sales shall be paid into the treasury of the State to the credit of the swamp land fund, and be applied to the discharge of any indebtedness arising under "An act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," approved February twelfth, eighteen hundred and fifty-nine: <i>Provided</i>, That in all cases such sales shall be made in the counties in which such lands lie, at such place therein as such Commissioner shall appoint.¹</p>
Proceeds, how applied.	
Proviso.	
Appropriation.	<p>(3968.) SEC. 13.²</p> <p>(3969.) SEC. 14: That for the purpose of securing the early construction of the roads aforesaid, in the Upper Peninsula, there shall be and is hereby appropriated of the swamp lands, an average amount per mile on each of said roads, not exceeding the value of twelve hundred and eighty acres of said lands at the minimum price fixed by the laws of this State, said lands to be selected exclusively in the Upper Peninsula.³</p>
Lands taken in liquidation of contracts.	<p>(3970.) SEC. 15. That any contractor for the construction of any of the roads aforesaid, or any part thereof, shall take lands in liquidation of such contract, which shall be stated in the contract, and no more than an average of twelve hundred and eighty acres of said lands shall be stipulated to be paid per mile for constructing any of said roads in the Upper Peninsula, and that the lands so stipulated to be paid shall be selected in the county through which the road passes, by the contractor, at any time between the date of the contract and its completion and settlement; and the land so selected shall be withdrawn from market; but no lands shall be conveyed until after the full completion and acceptance of the work embraced in any such contract.³</p>
When contractor to select lands.	
Land withheld from market.	
Board of supervisors to direct construction, etc.	<p>(3971.) SEC. 16. That the work of constructing of the roads named aforesaid, in the Upper Peninsula, shall be commenced by the commissioner in each county, at such points and in such manner as the board of supervisors shall from time to time direct; and each commissioner shall, upon entering into any contract for building any part of the aforesaid roads, file in their respective county</p>

¹ As added by Act 107 of the Laws of 1861, p. 137, approved March 7, 1861.

² Special, as added by Laws of 1861, p. 473, and amended 1863, 418.

As added by Act 227 of the Laws of 1861, p. 473, approved and took effect March 15, 1861.

clerk's office, duplicate copies of such contract, with a map of the road embraced in said contract, and shall also submit all contracts for the construction of any of the roads aforesaid to the board of supervisors, for their approval or disapproval. If disapproved by the board of supervisors, such contracts shall be void. And each of said commissioners shall also file in the county clerk's office of their respective counties, on the first days of July and January in each year, a sworn statement of all contracts and expenditures made by them, with duplicate vouchers for each and every payment made by them; also a statement of the number of miles of the road completed, its cost per mile, and the number of miles under construction, and its estimated cost per mile.¹

Filing and approval of contracts.

Statement of commissioners to be filed with county clerk.

(3972.) SEC. 17. That each of the commissioners aforesaid for the State roads in the Upper Peninsula shall only be entitled to receive three dollars per day for each day of actual service; and in the Upper Peninsula the board of supervisors, in their respective counties, shall be a board of examiners and auditors, whose duty it shall be to examine all work done on the State roads within their respective counties; and if, in their opinion, it is done according to contract, shall approve of the same. They shall also examine the accounts of the commissioner in their respective counties, and if approved, transmit them to the Auditor General; and no money shall be drawn from the Treasury, or lands conveyed, for the construction of any roads in the Upper Peninsula, until the accounts for such expenditures shall have been audited and approved by the board of supervisors in which said expenditure has been made.¹

Compensation of commissioners.

Board of examiners and auditors.

No money drawn or land conveyed until accounts audited

(3973.) SEC. 18. And that for the construction of the St. Mary's and Mackinaw State road, provided for in the sixth paragraph of section one of the act to which this act is amendatory, there shall be and is hereby appropriated a sum equal to twice the amount provided for in said act; and if the construction of said road is paid for in swamp lands, there is hereby appropriated for said road a quantity not exceeding two sections per mile for the whole length of said road. There shall be but one commissioner appointed as aforesaid, upon said road; and if the board of supervisors of Chipewewa county deem it necessary to cause any part or portion of said road to be re-surveyed and re-located, they are hereby authorized to do the same. The swamp lands hereby appropriated for the construction of the aforesaid road, or any part thereof, shall be selected from the swamp lands in the counties through or into which the road passes, in the Upper Peninsula.¹

Appropriation for St. Mary and Mackinaw road.

Commissioner.

Lands, when selected.

¹ As added by Act 227, of the Laws of 1861, p. 478, approved and took effect March 15, 1861.

Compensation of
commissioners.

(3974.) SEC. 19. That for the services of the commissioners appointed under the provisions of this act for the State roads in the Upper Peninsula, they shall be entitled to receive a sum not exceeding three dollars per day for the time actually employed; and their accounts for the same, and the cost of surveying, verified by their oath, shall be audited by the board of supervisors of their respective counties, and paid out of any moneys in the county treasury applicable to or levied for roads.¹

Provisions of
section 18 appli-
cable to other
roads.

(3975.) SEC. 20. That the provisions contained in section eighteen of this act, in reference to the St. Mary's and Mackinaw State road, shall be and they are hereby declared applicable to the L'Anse Bay and State line road, and the Marquette and Bay de Noc State road, Ontonagon and State line road.¹

Repeal.

(3976.) SEC. 21. All acts or parts of acts contravening the provisions of this act, so far as they apply to the construction of State roads by means of swamp lands in the Upper Peninsula, are hereby repealed.¹

An Act to amend an act entitled "An act to provide for the draining and reclamation of swamp lands by means of State roads and ditches," being act number one hundred and seventeen of Session Laws of eighteen hundred and fifty-nine.

[Approved March 7, 1861. Laws of 1861, p. 157.]

SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.²

Provisions to
apply to former
contracts.

(3977.) SECTION 11. The provisions of this act shall apply to all contracts heretofore made under the act hereby amended, and not canceled, and remaining unfulfilled, so far as applicable thereto; and all such contracts shall be paid in the manner provided in this act, irrespective of other provisions, except that by the voluntary consent of the contractors, the contract may be paid in land.

SEC. 12. This act shall take effect immediately.

An Act to provide for the settlement and drainage of the swamp lands by actual settlers.

[Approved February 15, 1859. Laws of 1859, p. 362.]

When Commis-
sioner to issue
certificate.

(3978.) SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of the Land Office is hereby required to issue a certificate of purchase to every settler or occupant of the swamp lands belonging to this State, in the proper legal subdivision, for eighty acres of said land, whenever it shall be made to

¹ As added by Act 237 of the Laws of 1861, p. 473, approved and took effect March 15, 1861. Amendatory sections.

appear to said Commissioner that such settler or occupant has actually resided upon such eighty acres of land for the period of five continuous years, and that he has also drained the same so as to comply with the provisions of the act of Congress, approved September twenty-eighth, eighteen hundred and fifty, by which said lands were conveyed to this State.¹

(3979.) SEC. 2. Before any such settler or occupant shall acquire the right to occupy or drain any of the swamp lands, pursuant to the provisions of the preceding section, he shall file with said Commissioner his application, under oath, for the privilege of entering upon said land, specifying the same for the purposes mentioned above, and obtain from the Commissioner a license to enter upon and occupy and drain said lands, for the purpose of obtaining title thereto.

(3980.) SEC. 3. No person shall be entitled to the benefit of this act until he shall have made oath in such form as shall be prescribed by the Commissioner of the State Land Office, that he is not the owner of forty acres of land in any State or Territory of the United States.

(3981.) SEC. 4. And it is further provided that the license for settlement granted under this act shall contain a clause which shall expressly provide that the settler or occupant shall, within three months after the date of said license, file with the Commissioner of the Land Office a certificate from the supervisor of the township in which the land is located, together with the affidavit of such settler, that he is in the actual possession and occupancy of such land; and said license shall also contain a clause providing that the settler or occupant shall not be authorized to cut, take, and carry away any pine, oak, or other valuable timber, unless it be to clear the land for cultivation, and then only as much as may be necessary to improve the same; and for a violation of the aforesaid conditions, he or they shall be liable to all the forfeitures, penalties, and liabilities of a trespasser upon State lands, as now is or may hereafter be provided by law; and it is further provided, that if such settler shall not file his certificate and oath of settlement and occupancy, as above provided, or if evidence of two witnesses, under oath, is furnished to the Commissioner of the State Land Office, that the clause above mentioned, to prevent waste of said land, has been violated, then his claim shall be deemed as void, and the Commissioner of the State Land Office shall, from and after

Settler to file application.

Oath.

License of settlement.

Penalty for violating its conditions.

¹ As amended by Act 108 of the Laws of 1861, p. 145, approved March 7, 1861.

and until sold and while the same is under survey lands and the proceeds shall be directed in the same manner.

Section may
purchase

1924. SEC. 7. Any company that shall become that in any time pay for said land the minimum price fixed by law for the survey lands and receive from the company one dollar and one-half cent of the legal requirements of a parcel of the same from the State in the same manner as to any the said land and the same shall be retained.

Section may
purchase
of land
shall be

1924. SEC. 8. State of any company that shall any land and legal requirements of land in a surveying the said land and survey lands by paying for all the survey lands the minimum price for survey lands fixed by law for said lands. He may also take an additional additional legal requirements of survey lands in cash or paying consideration of the purchase in any form or thing in the purchase of an acre of land in the purchase of the same of survey lands and the remainder thereof and to secure the purchase of lands of survey lands approved February 1 and approved land and approved and the same shall be retained approved February 1 and approved approved land and approved for the sale of survey lands and remainder thereof.

As amended by Act 10 of the Laws of 1941, approved March 7, 1941.
of the Upper Peninsula, herein for without from market as market lands.

(Approved March 7, 1941. Laws of 1941, p. 57)

Lands without
from market as
be retained

1924. SECTION 1. The People of the State of Michigan enact That all survey and primary school lands in the natural range of the Upper Peninsula heretofore withheld from market as market lands except such sections or parts of sections as the Governor shall heretofore select and reserve shall be retained and sold in the same manner, in all respects as is now provided by law for the sale of other survey and primary school lands.

Examination of
lands by agents

1924. SEC. 2. Before any of the lands thus reserved shall be offered for sale the Governor may, under such regulations as he shall prescribe, cause an examination of such lands, first by agents not exceeding five in number, as he may appoint for that purpose, whose duty it shall be to examine the lands designated by the Governor and report the result of such examination to him and their separate approval of the value of each tract.

1 As amended by Act 10 of the Laws of 1941, approved March 7, 1941.

2 As added by Act 24 of the Laws of 1941, p. 141, approved March 7, 1941.

(3986.) SEC. 3. Upon receiving such report the Governor and State Treasurer shall fix a minimum price at which each tract may be sold, and shall certify the same to the Commissioner of the Land Office, who shall thereupon offer said land at public sale, in pursuance of the provisions of existing law. Governor and State Treasurer to fix the minimum price.

(3987.) SEC. 4. The pay of such agents shall be three dollars per day, for the time actually and necessarily spent in the discharge of their duties, together with their actual and reasonable traveling expenses; and their accounts for such services and expenses, properly verified by such agents, when allowed by the Board of State Auditors, shall be paid by the State Treasurer, upon the warrant of the Auditor General, out of any money in the Treasury not otherwise appropriated. Compensation of agents.

An Act to extend to actual settlers on the public lands certain rights and privileges as freeholders.

[Approved February 22, 1865. Laws of 1865, p. 85.]

(3988.) SECTION 1. *The People of the State of Michigan enact,* Freeholders. That every qualified elector of this State, being at the time an actual settler and occupant on lands, under chapter eighty-two of the Compiled Laws of this State, or under the provisions of an act entitled "An act to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of actual settlers thereon," approved February fourth, eighteen hundred and fifty-eight, and the act amendatory thereof, approved February eleventh, eighteen hundred and fifty-nine, or under the provisions of an act entitled "An act to provide for the settlement and drainage of the swamp lands by actual settlers," approved February fifteenth, eighteen hundred and fifty-nine, and the act amendatory thereof, approved March seventh, eighteen hundred and sixty-one, or under the provisions of an act of Congress entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, shall and every such person is hereby declared to be a freeholder for the following purposes, that is to say: For all purposes of township organization whatsoever, and also for all purposes of applying for, laying out, establishing, altering, discontinuing, or appraising damages on any public or private highway of the county in which such person may reside. For what purpose.

An Act to provide for the sale of certain swamp lands, licensed under act number two hundred and twenty-nine of the Session Laws of eighteen hundred and fifty-nine, and acts amendatory thereto.

[Approved March 18, 1865. Laws of 1865, p. 558.]

Sale of licensed land authorized.

(3989.) SECTION 1. *The People of the State of Michigan enact,* That any swamp land licensed under and by virtue of act number two hundred and twenty-nine of the Session Laws of eighteen hundred and fifty-nine, and all acts amendatory thereto, from and after the expiration of five years from the date of the license, may be sold by the Commissioner of the State Land Office, the same as other swamp lands are now sold: *Provided,* It shall appear, from the affidavit of the supervisor or two responsible citizens of the township in which such lands are situated, that no settlement has been made by the original licensee, as contemplated in the act licensing the same; that said licensee has no valuable improvements thereon; also, that such licensee cannot claim exemption under the provisions of section eighty-seven of act number sixteen of the Session Laws of eighteen hundred and sixty-two.

Proof of non-occupation, etc.

Persons abandoning lands for two years to forfeit all rights thereto.

(3990.) SEC. 2. Any person holding a license for the settlement of State swamp lands, under and by virtue of act number one hundred and eight of the Session Laws of eighteen hundred and sixty-one, who shall abandon and not reside upon the lands described in his license for two years, shall forfeit his license; and upon the filing with said Commissioner the affidavit of the supervisor or two responsible citizens of the township in which said lands are situated, that any licensee has abandoned said land, and has not resided upon the same for two years last past, said Commissioner shall declare said license void, and may sell the said swamp lands the same as other swamp lands are sold: *Provided,* That no such licensee shall be deemed to have abandoned his land by reason of being engaged in the military or naval service of the United States.

Upon proof of abandonment commissioner may sell the land.

Provide.

SEC. 4. This act shall take immediate effect.

An Act for the relief of settlers on swamp lands.

[Approved March 27, 1867. Laws of 1867, p. 225.]

Canceled purchased lands resold to purchaser, for \$1.25 per acre.

(3991.) SECTION 1. *The People of the State of Michigan enact,* That in all cases where lands have been purchased as government lands at any of the United States Land Offices within the State of Michigan and such purchase has afterwards been set aside or can-

celed, in consequence of the land so purchased having been found to be swamp lands, the purchaser, his heirs or assigns, may, at any time before such lands are offered for sale by the State or before said lands are sold to any other person, on presentation of a certificate of such purchase and cancelation from the Register of the Land Office where such purchase was originally made, to the Commissioner of the State Land Office, be entitled to purchase such lands of the State at the price of one dollar and twenty-five cents per acre, subject to the condition that such purchaser or purchasers shall not have any claim against the State for draining such land; and such land purchased of the United States shall not be offered for sale by the State until the expiration of two years after the United States have issued the patent for such lands to this State; and all persons who have in good faith, at any time since the twenty-eighth of September, eighteen hundred and fifty, settled upon and made valuable improvements on any of the swamp lands of this State, with the intention of securing the same under the pre-emption laws of the United States, and shall file with the Commissioner of the State Land Office sufficient evidence of said settlement or improvement and intention, prior to their being offered for sale, such person, his heirs or assigns, shall also be entitled to purchase such lands at one dollar and twenty-five cents per acre: *Provided*, That nothing in this act shall be construed to affect the legal rights of any suit or claims now pending, either in law or equity.

Condition.

Time before
State can sell.Holders of lands
under pre-emption
laws may
buy them at
\$1.25 per acre.

Proviso.

Joint Resolution relative to the location and sale of the lands donated to the State of Michigan for the endowment of colleges for the benefit of agriculture and the mechanic arts.

[Approved March 20, 1867. *Laws of 1867, p. 326.*]

Whereas, The Legislature of this State, by an act approved March eighteenth, eighteen hundred and sixty-three, conferred upon the Agricultural Land Grant Board, consisting of the Governor, the Auditor General, Secretary of State, State Treasurer, Attorney General, and Commissioner of the State Land Office, the entire control and management of the selection, the care, and disposal of the lands granted to this State by act of Congress approved July second, eighteen hundred and sixty-two;

And whereas, It is for the interest of the State Agricultural College, of the tax-payers of this State, and of the inhabitants residing in the vicinity of said lands, that these lands be sold at an early day and the proceeds be applied to the endowment of the State Agricultural College;

And whereas, It is understood that the Secretary of the Interior of the United States will not issue patents for these lands until the amount is located ; therefore,

(3992.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That the Agricultural Land Grant Board be and the same hereby are instructed and directed to complete the location of these lands, and take the necessary steps to obtain patents therefor from the Secretary of the Interior of the United States, and at the earliest day practicable place the said lands in market, and sell the same according to the provisions of an act entitled "An act to provide for the selection, care, and disposition of the lands donated to the State of Michigan by act of Congress approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts," and approved March eighteenth, eighteen hundred and sixty-three.

An Act to provide for the graduation of the price of swamp lands, and to authorize payment thereon in swamp land scrip.

[Approved April 2, 1869. *Laws of 1869*, p. 164.]

Commissioner
of State Land
Office to fix
price, etc., of un-
sold swamp
lands.

(3993.) SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office shall fix and graduate the price of swamp lands in the State of Michigan, not yet offered for sale at public auction, as follows: All State swamp lands not yet offered for sale at public auction (except swamp lands in regard to which a conflict has arisen between the United States and the State of Michigan, commonly known as "green lands,") shall be offered for sale at the minimum price of eight dollars per acre, which shall be and remain the minimum price for the period of six months from and embracing the day of public sale of such lands.

To establish
minimum price
of lands remain-
ing unsold.

(3994.) SEC. 2. At the expiration of the time provided in the first section of this act, the Commissioner of the State Land Office shall fix and establish the minimum price of all such swamp lands provided for in said section one, remaining unsold, at six dollars per acre, which price so fixed shall be and remain the minimum for the period of six months, at the expiration of which time the said Commissioner shall fix and establish the minimum price of all such lands remaining unsold, at four dollars per acre, which minimum price so fixed shall be and remain the minimum price

for the period of six months, at the expiration of which time the said Commissioner shall fix and establish the price of all such lands remaining unsold, at the minimum price of two dollars per acre.

(3995.) SEC. 3. All swamp land scrip known as "general scrip" shall be received in payment of all lands sold under the provisions of this act: *Provided*, That no such scrip shall be received for more than its par value. "General scrip" to be received in payment. Proviso.

SEC. 4. This act shall take immediate effect.

An Act to provide for the issuing, delivering, or depositing patents to swamp lands, and to provide for the assessment and taxation of such lands.

[Approved April 2, 1869. Laws of 1869, p. 168.]

(3996.) SECTION 1. *The People of the State of Michigan enact*, That whenever any person of [or] persons shall be entitled to State swamp lands, by reason of the performance of any labor, or the fulfillment of any contract, it shall be the duty of the Commissioner of the State Land Office to cause to be issued such patents, and deliver the same to the person or persons entitled thereto, if applied for at the State Land Office; and in case no such application is made within thirty days from the time such person or persons shall be entitled to such swamp lands (then, in such case), the said Commissioner shall file such patent or patents in his office, subject to the order of the person or persons entitled to the same. When Commissioner to cause certificates for patents to issue for certain swamp lands. To issue, and file if not applied for in thirty days.

(3997.) SEC. 2. It shall be the duty of such Commissioner to furnish to the several county treasurers, in each year, and in time for assessment, a list of all such lands so patented according to the provisions of section one of this act; and such lands so patented shall be subject to assessment and taxation as other assessable and taxable lands. Lists of all lands now subject to be so patented shall be furnished by said Commissioner to the county treasurers, and by the county treasurers to the supervisors of the proper townships, in time for the assessment of the year eighteen hundred and sixty-nine, so far as the same may be practicable. List of same furnished to county treasurers. Tax authorized. Lists now subject to patent.

(3998.) SEC. 3. Whenever any person shall neglect or refuse to designate to the Commissioner the particular descriptions of land to which he or she may claim patents, by reason of part performance of his or her contract, it may and shall be lawful for such Commissioner to cause to be issued patents for each alternate description of land, as the same appears on the list of lands When Commissioner to cause patents to issue for alternate descriptions.

Compensation of
commissioners.

(3974.) SEC. 19. That for the services of the commissioners appointed under the provisions of this act for the State roads in the Upper Peninsula, they shall be entitled to receive a sum not exceeding three dollars per day for the time actually employed; and their accounts for the same, and the cost of surveying, verified by their oath, shall be audited by the board of supervisors of their respective counties, and paid out of any moneys in the county treasury applicable to or levied for roads.¹

Provisions of
section 18 appli-
cable to other
roads.

(3975.) SEC. 20. That the provisions contained in section eighteen of this act, in reference to the St. Mary's and Mackinaw State road, shall be and they are hereby declared applicable to the L'Anse Bay and State line road, and the Marquette and Bay de Noc State road, Ontonagon and State line road.¹

Repeal.

(3976.) SEC. 21. All acts or parts of acts contravening the provisions of this act, so far as they apply to the construction of State roads by means of swamp lands in the Upper Peninsula, are hereby repealed.¹

An Act to amend an act entitled "An act to provide for the draining and reclamation of swamp lands by means of State roads and ditches," being act number one hundred and seventeen of Session Laws of eighteen hundred and fifty-nine.

[Approved March 7, 1861. Laws of 1861, p. 157.]

SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.²

Provisions to
apply to former
contracts.

(3977.) SECTION 11. The provisions of this act shall apply to all contracts heretofore made under the act hereby amended, and not canceled, and remaining unfulfilled, so far as applicable thereto; and all such contracts shall be paid in the manner provided in this act, irrespective of other provisions, except that by the voluntary consent of the contractors, the contract may be paid in land.

SEC. 12. This act shall take effect immediately.

An Act to provide for the settlement and drainage of the swamp lands by actual settlers.

[Approved February 15, 1859. Laws of 1859, p. 862.]

When Commis-
sioner to issue
certificate.

(3978.) SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of the Land Office is hereby required to issue a certificate of purchase to every settler or occupant of the swamp lands belonging to this State, in the proper legal subdivision, for eighty acres of said land, whenever it shall be made to

¹ As added by Act 227 of the Laws of 1861, p. 473, approved and took effect March 15, 1861 Amendatory sections.

appear to said Commissioner that such settler or occupant has actually resided upon such eighty acres of land for the period of five continuous years, and that he has also drained the same so as to comply with the provisions of the act of Congress, approved September twenty-eighth, eighteen hundred and fifty, by which said lands were conveyed to this State.¹

(3979.) SEC. 2. Before any such settler or occupant shall acquire the right to occupy or drain any of the swamp lands, pursuant to the provisions of the preceding section, he shall file with said Commissioner his application, under oath, for the privilege of entering upon said land, specifying the same for the purposes mentioned above, and obtain from the Commissioner a license to enter upon and occupy and drain said lands, for the purpose of obtaining title thereto.

Settler to file application.

(3980.) SEC. 3. No person shall be entitled to the benefit of this act until he shall have made oath in such form as shall be prescribed by the Commissioner of the State Land Office, that he is not the owner of forty acres of land in any State or Territory of the United States.

Oath.

(3981.) SEC. 4. And it is further provided that the license for settlement granted under this act shall contain a clause which shall expressly provide that the settler or occupant shall, within three months after the date of said license, file with the Commissioner of the Land Office a certificate from the supervisor of the township in which the land is located, together with the affidavit of such settler, that he is in the actual possession and occupancy of such land; and said license shall also contain a clause providing that the settler or occupant shall not be authorized to cut, take, and carry away any pine, oak, or other valuable timber, unless it be to clear the land for cultivation, and then only as much as may be necessary to improve the same; and for a violation of the aforesaid conditions, he or they shall be liable to all the forfeitures, penalties, and liabilities of a trespasser upon State lands, as now is or may hereafter be provided by law; and it is further provided, that if such settler shall not file his certificate and oath of settlement and occupancy, as above provided, or if evidence of two witnesses, under oath, is furnished to the Commissioner of the State Land Office, that the clause above mentioned, to prevent waste of said land, has been violated, then his claim shall be deemed as void, and the Commissioner of the State Land Office shall, from and after

License of settlement.

Penalty for violating its conditions.

¹ As amended by Act 108 of the Laws of 1861, p. 145, approved March 7, 1861.

said time, sell said lands the same as other swamp lands; and this provision shall be inserted in the license for said lands.¹

Occupant may purchase.

(3982.) SEC. 5. Any occupant, under such license, may at any time pay for said land the minimum price fixed by law for the swamp lands, and receive from the Commissioner a certificate entitling him, or his legal representatives, to a patent for the same from the State, in the same manner as though the said land had not been licensed.²

Occupant may purchase excess of fractional subdivision.

(3983.) SEC. 6. Such settler or occupant may take any fractional legal subdivision of land, not exceeding one hundred and twenty acres, by paying, for all over eighty acres, the minimum price for swamp lands fixed by law for such excess. He may also take an additional adjoining legal subdivision of eighty acres or less, by paying one-quarter of the purchase money down, according to the provisions of an act entitled "An act to provide for the sale of swamp lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon, approved February fourth, eighteen hundred and fifty-eight, and the acts amendatory thereto," approved February eleventh, eighteen hundred and fifty-nine, for the sale of swamp lands, and reclamation thereof.³

An Act to provide for the sale of swamp and primary school lands in the mineral range of the Upper Peninsula, heretofore withheld from market as mineral lands.

[Approved March 19, 1863. Laws of 1863, p. 277.]

Lands withheld from market to be re-offered.

(3984.) SECTION 1. *The People of the State of Michigan enact,* That all swamp and primary school lands in the mineral range of the Upper Peninsula, heretofore withheld from market as mineral lands, except such sections or parts of sections as the Governor shall hereafter select and reserve, shall be re-offered and sold in the same manner, in all respects, as is now provided by law for the sale of other swamp and primary school lands.

Examination of lands by agents.

(3985.) SEC. 2. Before any of the lands thus reserved shall be offered for sale the Governor may, under such regulations as he shall prescribe, cause an examination of such lands by such agents, not exceeding two in number, as he may appoint for that purpose, whose duty it shall be to examine the lands designated by the Governor, and report the result of such examination to him, and their separate appraisal of the value of each tract.

¹ As amended by Act 108 of the Laws of 1861, p. 145, approved March 7, 1861.

² As added by Act 108 of the Laws of 1861, p. 145, approved March 7, 1861.

(3986.) SEC. 3. Upon receiving such report the Governor and State Treasurer shall fix a minimum price at which each tract may be sold, and shall certify the same to the Commissioner of the Land Office, who shall thereupon offer said land at public sale, in pursuance of the provisions of existing law. Governor and State Treasurer to fix the minimum price.

(3987.) SEC. 4. The pay of such agents shall be three dollars per day, for the time actually and necessarily spent in the discharge of their duties, together with their actual and reasonable traveling expenses; and their accounts for such services and expenses, properly verified by such agents, when allowed by the Board of State Auditors, shall be paid by the State Treasurer, upon the warrant of the Auditor General, out of any money in the Treasury not otherwise appropriated. Compensation of agents.

An Act to extend to actual settlers on the public lands certain rights and privileges as freeholders.

[Approved February 22, 1865. Laws of 1865, p. 85.]

(3988.) SECTION 1. *The People of the State of Michigan enact,* Freeholders. That every qualified elector of this State, being at the time an actual settler and occupant on lands, under chapter eighty-two of the Compiled Laws of this State, or under the provisions of an act entitled "An act to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of actual settlers thereon," approved February fourth, eighteen hundred and fifty-eight, and the act amendatory thereof, approved February eleventh, eighteen hundred and fifty-nine, or under the provisions of an act entitled "An act to provide for the settlement and drainage of the swamp lands by actual settlers," approved February fifteenth, eighteen hundred and fifty-nine, and the act amendatory thereof, approved March seventh, eighteen hundred and sixty-one, or under the provisions of an act of Congress entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, shall and every such person is hereby declared to be a freeholder for the following purposes, that is to say: For all purposes of township organization whatsoever, and also for all purposes of applying for, laying out, establishing, altering, discontinuing, or appraising damages on any public or private highway of the county in which such person may reside. For what purpose.

An Act to provide for the sale of certain swamp lands, licensed under act number two hundred and twenty-nine of the Session Laws of eighteen hundred and fifty-nine, and acts amendatory thereto.

[Approved March 18, 1865. Laws of 1865, p. 653.]

Sale of licensed land authorized.

(3989.) SECTION 1. *The People of the State of Michigan enact,* That any swamp land licensed under and by virtue of act number two hundred and twenty-nine of the Session Laws of eighteen hundred and fifty-nine, and all acts amendatory thereto, from and after the expiration of five years from the date of the license, may be sold by the Commissioner of the State Land Office, the same as other swamp lands are now sold: *Provided,* It shall appear, from the affidavit of the supervisor or two responsible citizens of the township in which such lands are situated, that no settlement has been made by the original licensee, as contemplated in the act licensing the same; that said licensee has no valuable improvements thereon; also, that such licensee cannot claim exemption under the provisions of section eighty-seven of act number sixteen of the Session Laws of eighteen hundred and sixty-two.

Proof of non-occupation, etc.

Persons abandoning lands for two years to forfeit all rights thereto.

(3990.) SEC. 2. Any person holding a license for the settlement of State swamp lands, under and by virtue of act number one hundred and eight of the Session Laws of eighteen hundred and sixty-one, who shall abandon and not reside upon the lands described in his license for two years, shall forfeit his license; and upon the filing with said Commissioner the affidavit of the supervisor or two responsible citizens of the township in which said lands are situated, that any licensee has abandoned said land, and has not resided upon the same for two years last past, said Commissioner shall declare said license void, and may sell the said swamp lands the same as other swamp lands are sold: *Provided,* That no such licensee shall be deemed to have abandoned his land by reason of being engaged in the military or naval service of the United States.

Upon proof of abandonment commissioner may sell the land.

Provide.

SEC. 4. This act shall take immediate effect.

An Act for the relief of settlers on swamp lands.

[Approved March 27, 1867. Laws of 1867, p. 225.]

Canceled purchased lands re-sold to purchaser, for \$1.25 per acre.

(3991.) SECTION 1. *The People of the State of Michigan enact,* That in all cases where lands have been purchased as government lands at any of the United States Land Offices within the State of Michigan and such purchase has afterwards been set aside or can-

celed, in consequence of the land so purchased having been found to be swamp lands, the purchaser, his heirs or assigns, may, at any time before such lands are offered for sale by the State or before said lands are sold to any other person, on presentation of a certificate of such purchase and cancelation from the Register of the Land Office where such purchase was originally made, to the Commissioner of the State Land Office, be entitled to purchase such lands of the State at the price of one dollar and twenty-five cents per acre, subject to the condition that such purchaser or purchasers shall not have any claim against the State for draining such land; and such land purchased of the United States shall not be offered for sale by the State until the expiration of two years after the United States have issued the patent for such lands to this State; and all persons who have in good faith, at any time since the twenty-eighth of September, eighteen hundred and fifty, settled upon and made valuable improvements on any of the swamp lands of this State, with the intention of securing the same under the pre-emption laws of the United States, and shall file with the Commissioner of the State Land Office sufficient evidence of said settlement or improvement and intention, prior to their being offered for sale, such person, his heirs or assigns, shall also be entitled to purchase such lands at one dollar and twenty-five cents per acre: *Provided*, That nothing in this act shall be construed to affect the legal rights of any suit or claims now pending, either in law or equity.

Condition.

Time before
State can sell.Holders of lands
under pre-emption
laws may
buy them at
\$1.25 per acre.

Proviso.

Joint Resolution relative to the location and sale of the lands donated to the State of Michigan for the endowment of colleges for the benefit of agriculture and the mechanic arts.

[Approved March 20, 1867. *Laws of 1867, p. 326.*]

Whereas, The Legislature of this State, by an act approved March eighteenth, eighteen hundred and sixty-three, conferred upon the Agricultural Land Grant Board, consisting of the Governor, the Auditor General, Secretary of State, State Treasurer, Attorney General, and Commissioner of the State Land Office, the entire control and management of the selection, the care, and disposal of the lands granted to this State by act of Congress approved July second, eighteen hundred and sixty-two;

And whereas, It is for the interest of the State Agricultural College, of the tax-payers of this State, and of the inhabitants residing in the vicinity of said lands, that these lands be sold at an early day and the proceeds be applied to the endowment of the State Agricultural College;

And whereas, It is understood that the Secretary of the Interior of the United States will not issue patents for these lands until the amount is located ; therefore,

(3992.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That the Agricultural Land Grant Board be and the same hereby are instructed and directed to complete the location of these lands, and take the necessary steps to obtain patents therefor from the Secretary of the Interior of the United States, and at the earliest day practicable place the said lands in market, and sell the same according to the provisions of an act entitled "An act to provide for the selection, care, and disposition of the lands donated to the State of Michigan by act of Congress approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts," and approved March eighteenth, eighteen hundred and sixty-three.

An Act to provide for the graduation of the price of swamp lands, and to authorize payment thereon in swamp land scrip.

[Approved April 2, 1869. *Laws of 1869*, p. 164.]

Commissioner of State Land Office to fix price, etc., of unsold swamp lands.

(3993.) SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office shall fix and graduate the price of swamp lands in the State of Michigan, not yet offered for sale at public auction, as follows: All State swamp lands not yet offered for sale at public auction (except swamp lands in regard to which a conflict has arisen between the United States and the State of Michigan, commonly known as "green lands,") shall be offered for sale at the minimum price of eight dollars per acre, which shall be and remain the minimum price for the period of six months from and embracing the day of public sale of such lands.

To establish minimum price of lands remaining unsold.

(3994.) SEC. 2. At the expiration of the time provided in the first section of this act, the Commissioner of the State Land Office shall fix and establish the minimum price of all such swamp lands provided for in said section one, remaining unsold, at six dollars per acre, which price so fixed shall be and remain the minimum for the period of six months, at the expiration of which time the said Commissioner shall fix and establish the minimum price of all such lands remaining unsold, at four dollars per acre, which minimum price so fixed shall be and remain the minimum price

for the period of six months, at the expiration of which time the said Commissioner shall fix and establish the price of all such lands remaining unsold, at the minimum price of two dollars per acre.

(3995.) SEC. 3. All swamp land scrip known as "general scrip" shall be received in payment of all lands sold under the provisions of this act: *Provided*, That no such scrip shall be received for more than its par value. "General scrip" to be received in payment. Proviso.

SEC. 4. This act shall take immediate effect.

An Act to provide for the issuing, delivering, or depositing patents to swamp lands, and to provide for the assessment and taxation of such lands.

[Approved April 2, 1869. Laws of 1869, p. 168.]

(3996.) SECTION 1. *The People of the State of Michigan enact*, That whenever any person or persons shall be entitled to State swamp lands, by reason of the performance of any labor, or the fulfillment of any contract, it shall be the duty of the Commissioner of the State Land Office to cause to be issued such patents, and deliver the same to the person or persons entitled thereto, if applied for at the State Land Office; and in case no such application is made within thirty days from the time such person or persons shall be entitled to such swamp lands (then, in such case), the said Commissioner shall file such patent or patents in his office, subject to the order of the person or persons entitled to the same. When Commissioner to cause certificates for patents to issue for certain swamp lands. To issue, and file if not applied for in thirty days.

(3997.) SEC. 2. It shall be the duty of such Commissioner to furnish to the several county treasurers, in each year, and in time for assessment, a list of all such lands so patented according to the provisions of section one of this act; and such lands so patented shall be subject to assessment and taxation as other assessable and taxable lands. Lists of all lands now subject to be so patented shall be furnished by said Commissioner to the county treasurers, and by the county treasurers to the supervisors of the proper townships, in time for the assessment of the year eighteen hundred and sixty-nine, so far as the same may be practicable. List of same furnished to county treasurers. Tax authorized. Lists now subject to patent.

(3998.) SEC. 3. Whenever any person shall neglect or refuse to designate to the Commissioner the particular descriptions of land to which he or she may claim patents, by reason of part performance of his or her contract, it may and shall be lawful for such Commissioner to cause to be issued patents for each alternate description of land, as the same appears on the list of lands When Commissioner to cause patents to issue for alternate descriptions.

reserved by such person or persons; and such patents so issued shall be deemed and held as valid as if the same were particularly ordered by the person entitled thereto.

SEC. 4. This act shall take immediate effect.

An Act regulating the selection of lands appropriated for the construction of State roads in certain cases, and to provide for taxing the same.

[Approved March 30, 1869. Laws of 1869, p. 152.]

Contractors may select from unsold State swamp lands in market.

(3999.) SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for contractors or their assigns, upon all contracts hereafter made with the State for the construction of State swamp land roads or ditches, under existing laws, or any laws that may be hereafter enacted, when, by the conditions of such contracts, the contractors are to be paid in State swamp land, to select the same from any State swamp lands unsold, and not withheld from market, in the State of Michigan; and it shall be the duty of the Commissioner of the State Land Office to issue patents for any and all such lands selected under the provisions of this act, within thirty days after the completion of such contract or contracts, and the acceptance of the same by the lawfully constituted agent or agents of the State, and to give notice of the issuing of such patents to the county treasurer of the county in which such lands may be, providing no lands shall be taken from the Upper Peninsula for the construction of roads and ditches in the Lower Peninsula, nor from the Lower Peninsula for the construction of roads in the Upper Peninsula.

When Commissioner of State Land Office to issue certificate for patent.

To notify county treasurer.

Proviso.

(4000.) SEC. 2. All parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Joint Resolution providing that the swamp land grants for roads in the Upper Peninsula may be used for the construction of road-beds for tram, train, or rail roads.

[Approved March 30, 1869. Laws of 1869, p. 416.]

Whereas, Grants of swamp land have been made by the State for building roads in the Upper Peninsula of Michigan;

And whereas, It would greatly accommodate the necessities of the people in that section, and equally meet the purposes of the grants, by allowing said lands, or such portions thereof as may be deemed advisable, to be used in the construction of tram, train, or rail roads; therefore,

(4001.) *Resolved by the Senate and House of Representatives of the State of Michigan*, That the swamp lands appropriated by any law for the construction of roads in the Upper Peninsula of Michigan be and the same hereby are authorized to be used in the construction of road-beds for a tram, train, or rail road over the same route for which such grants were originally intended: *Provided*, That such tram, train, or rail road shall be as well ditched, and the lands through which the same runs be equally as well drained, as required in building the road for which such appropriations were originally made.

An Act to provide for the resale of certain swamp lands, sold under section eight of act number thirty-one of the Session Laws of eighteen hundred and fifty-eight, being section number two of act number one hundred and six of the Session Laws of eighteen hundred and fifty-nine.

[Approved April 15, 1871. *Laws of 1871, p. 234.*]

(4002.) SECTION 1. *The People of the State of Michigan enact*, That any swamp land for which certificates of purchase have been issued, under and by virtue of the provisions of section eight of act number thirty-one of the Session Laws of eighteen hundred and fifty-eight, or section number two of act number one hundred and six of the Session Laws of eighteen hundred and fifty-nine, from and after the expiration of five years from the date of such certificate, may be resold by the Commissioner of the State Land Office, the same as other lands are now sold: *Provided*, It shall appear from the affidavit of the supervisor, or two responsible citizens of the township in which such lands are situated, that neither the purchaser or his assigns have settled and become permanent residents on said land, and that said purchaser has made no valuable improvement thereon.

Commissioner may resell certain lands after five years.

Provide.

An Act to create a Board of State Swamp Land Commissioners, and to repeal act number seventy-six of the Session Laws of eighteen hundred and sixty-seven.¹

[Approved April 17, 1871. *Laws of 1871, p. 293.*]

(4003.) SECTION 1. *The People of the State of Michigan enact*, That the Governor shall appoint two Commissioners, who shall be denominated "The Board of State Swamp Land Road Commissioners." They shall hold their office for two years, unless removed by the Governor, and shall receive a salary at the rate of one thou-

Appointment.

Name of Board.

Term of office, salary, clerk, etc.

¹ See Act 135, Laws of 1865, p. 248, superseded by this act though not directly repealed.

sand dollars per annum each, which shall be in full for all services except reasonable expenses, and one clerk, stationery for the office, and necessary printing.

Location of office.

(4004.) SEC. 2. The office of the Commissioners shall be kept in that of the Commissioner of the State Land Office, who is hereby required to furnish to said Commissioners the necessary room for the transaction of the business of their office.

How clerk employed.

(4005.) SEC. 3. The said Commissioners are hereby authorized, if necessary, to employ a clerk on the terms and conditions now prescribed for the employment of clerks in the State Land Office.

Records, etc.

(4006.) SEC. 4. The said Commissioners shall provide suitable books of account and records, in which shall be kept the accounts of the said Commissioners with all contractors, a complete record of the transactions of said Commissioners under the provisions of this act, and shall properly care for all contracts, profiles, diagrams, surveys, letters, requests, applications, letters and memorandums of information relating to the construction of any or all State swamp roads.

Oath of office and bond.

(4007.) SEC. 5. The said Commissioners shall, before entering upon the duties of their offices, take the oath prescribed by the Constitution, and file said oath, together with a bond in the sum of two thousand dollars, in the office of the Secretary of State, which bond shall be approved by the Board of State Auditors, and shall be signed by not less than two sureties, and shall be conditioned for the faithful discharge of the duties of such office by the said Commissioners.

Removal from office.

(4008.) SEC. 6. Whenever it shall be made to appear to the Governor of the State of Michigan that the said Commissioners, or either of them, have failed to properly and faithfully discharge the duties of their office, he shall remove them, or either of them, as the case may be.

Governor to fill vacancies.

(4009.) SEC. 7. In case any of the above named Commissioners shall fail to qualify by July first, eighteen hundred and seventy-one, or if at any time a vacancy shall occur, the Governor shall fill the said Board by appointment, filed in the office of the Secretary of State.

Majority may act.

(4010.) SEC. 8. A majority of said Board shall have power to perform any duties devolving upon the Board under the provisions of this act.

Annual report.

(4011.) SEC. 9. The said Board shall report to the Governor of the State, on or before December first of each year, which report

shall present a complete exhibit of their proceedings under the provisions of this act.

(4012.) SEC. 10. The Board of Control, as the same has heretofore been constituted, shall have full power and authority, except as may be otherwise provided by the Legislature, over the swamp and indemnity lands of the State, over the State swamp roads, and other roads laid out and constructed under the State authority, and over the expenditure of swamp lands or the proceeds thereof in the construction of State roads, drains, and ditches, and all expenditures of swamp and indemnity lands for drainage purposes. They shall have power, and it shall be their duty, whenever in their judgment the public interest require it, to suspend the surveys or operations on any of said roads, or those of any road to be hereafter constructed, and to direct re-surveys, with a view to selection of more fit and convenient localities; and for the purpose of equalizing the distribution of State aid in the more unsettled portions of the State, and connecting lines of roads already built, they shall have power, a majority of their number concurring therein, to survey, lay out, and establish new lines of road; to direct from time to time what work shall be commenced, suspended, or discontinued; and whenever by the suspension of work on, or the discontinuance of, any road, the appropriation therefor shall have become unnecessary, they shall have power to apply the same on other lines of road, as in their judgment the public interests may require: *Provided*, The aggregate amount expended on any line of road shall not exceed six hundred and forty acres per mile, unless otherwise provided in the act under which said road is constructed. They shall also have power to extend the time for completing the work of any contract, and to correct all errors, whether of description or otherwise; and this proviso shall be embodied in every contract under this act. Said Commissioners shall possess all of the powers vested in and duties imposed on the Swamp Land State Road Commissioner by act seventy-six, Session Laws of one thousand eight hundred and sixty-seven, and act amendatory thereto, as far as relates to swamp and indemnity lands and State swamp land roads in the Lower Peninsula.

Powers and duties of Board of Control, relative to lands and roads.

Proviso.

(4013.) SEC. 11. To provide for and secure the construction of such roads as the said Board of Control shall determine to lay out and establish, there is hereby appropriated one section of State swamp or indemnity land, of six hundred and forty acres each, to each mile of said roads, to be used and disposed of in the construction of said roads according to the provisions of this act and act

Appropriation of land.

one hundred and seventeen, Session Laws eighteen hundred and fifty-nine, and acts amendatory thereto.

Commissioners
to act on the
determination
of Board of
Control.

(4014.) SEC. 12. All roads which the said Board of Control shall determine to lay out and establish under the provisions of this act, shall be laid out and established by the Board of Commissioners in the same manner as is provided for by act number one hundred and seventeen, Session Laws one thousand eight hundred and fifty-nine, and acts amendatory thereto, as far as the same is not inconsistent with the provisions of this act.

Application of
this act.

(4015.) SEC. 13. The provisions of this act shall apply to all expenditures of State swamp lands for drainage or reclamation of State swamp lands in the Lower Peninsula authorized by existing laws, or hereafter to be made, the said Board of Control and Commissioners being vested with all powers in regard thereto which are now vested in the Swamp Land State Road Commissioner and Board of Control.

Provision to be
put in every
contract.

(4016.) SEC. 14. Every contract made by said Board of Commissioners shall contain a provision, that no deficiency of swamp lands shall be so construed as to create any lien or establish any claim against the State, except as to the lands above appropriated.

Payment of
expenses.

(4017.) SEC. 15. The expenses accruing under the provisions of this act shall be paid by the State Treasurer on the warrant of the Auditor General, out of any money in the Treasury belonging to the State swamp land fund, and if at any time the swamp land fund shall become exhausted, said expenses shall be paid out of the swamp land interest funds.

Act repealed.

(4018.) SEC. 16. Act number seventy-six of the Session Laws of eighteen hundred and sixty-seven, being an act to provide for the appointment of a Commissioner, to be known as the Swamp Land State Road Commissioner, be and the same is hereby repealed.

Construction of
this act.

(4019.) SEC. 17. But nothing contained in this act shall be construed as authorizing the appropriation of any lands in the Upper Peninsula to aid in constructing roads in the Lower Peninsula, or in any way impairing the powers of the Swamp Land State Road Commissioner of the Upper Peninsula.

SEC. 18. This act shall take immediate effect.

CHAPTER CXLV.

THE INTEREST OF THE STATE IN MINES AND MINERALS.

An Act declaratory of the interests of the State of Michigan in mines and minerals.

[Approved April 25, 1846. Laws of 1846, p. 92.]

(4020.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the property in the following mines is fully vested in the People of the State of Michigan, in their right of sovereignty: Sovereign rights of people in.

First. All mines of gold and silver, or either of them, now discovered or hereafter to be discovered within the territorial limits of this State;

Second. All mines or other metals or minerals discovered or to be discovered, which are connected with or shall be known to contain gold or silver in any proportion.

(4021.) SEC. 2. The sovereign right of the People of Michigan to the mines and minerals therein, as specified in the preceding section, shall never be enforced against any citizen of the State in whom the fee of the soil containing any such mines and minerals now is or may hereafter become fully vested in his own right by a *bona fide* purchase from, through, or under the general or State government; but such mines and minerals shall remain the property of the citizens owning such lands, subject to the specific tax hereinafter provided: *Provided*, That this act shall not be construed to affect any right already acquired, or held by individuals, Not to be enforced against citizens owning lands. Saving of existing rights.

from or under the permits or leases of the United States, wherever such leases shall prove to be upon lands now owned, or hereafter to become the property of the State.

Mineral lands reserved from sale.

(4022.) SEC. 3. All lands known to contain mines or minerals, which now are, or may hereafter become the property of this State, shall be reserved from sale by the authorities thereof, until directed to be sold by and under such regulations as the Legislature shall hereafter prescribe.

Tax upon ores.

(4023.) SEC. 4. A specific tax of four per cent, to be in lieu of all other State taxes, shall be levied and collected upon all ores and the product of all mines within the limits of this State, whether the lands containing them have been sold to *bona fide* purchasers by the general government or not, which said tax shall in all cases be assessed thereon upon the average yield and value of such ores, after the same is smelted, if smelted within this State, but if not smelted within this State then said taxes shall be paid before such ores are removed from the premises where they are raised: *Provided*, That the specific tax upon the product of iron mines shall not exceed two per cent.

Proviso.

How assessment shall be made.

(4024.) SEC. 5. Such assessment may hereafter be made upon a statement verified by the oath of the person having constant charge of the working of any mine, and of the yield and product thereof, setting forth the actual amount of such yield, and the product for the year next preceding; and if such tax be not paid when legally demanded, upon the aggregate amount of such statement, it shall be lawful to seize upon the ores and product of such mines in satisfaction of the same.

SEC. 6. This act shall take effect and be in force from and after its passage.

An Act to provide for the leasing of certain lands.

[Approved May 18, 1846. Laws of 1846, p. 274.]

Commissioner of State Land Office to lease mineral lands.

(4025.) SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be and he is hereby authorized to lease, as hereinafter provided, any of the mineral lands reserved from sale by the provisions of section number three of act number seventy-eight, approved April twenty-eight [twenty-five], eighteen hundred and forty-six.

In what parcels.

(4026.) SEC. 2. All that portion of said lands which is for the use of primary schools, the Commissioner may lease as hereinafter

provided, in quantities not less than forty acres, unless it be a fraction, and for a period not exceeding three years: *Provided*, All lands so leased shall be according to the United States survey. Proviso.

(4027.) SEC. 3. Before said primary school lands can be leased upon private application, they shall first be exposed to lease at public auction to the highest bidder, as hereinafter provided. To be offered at auction.

(4028.) SEC. 4. The said Commissioner shall give thirty days' notice of the time when and place where said lands will be exposed to lease at auction as aforesaid, with the description, township, range, and region of country where said lands are located; which notice shall be published at least once in each week in the State paper at Detroit, and in one or more county papers. Notice of auction

(4029.) SEC. 5. The consideration of such leases shall not be less than four per cent upon the average yield and value of all minerals which shall be taken from the lands so leased, and such further annual rent to be paid in money, annually in advance, the first payment of which shall be on the delivery of said lease, as the Commissioner shall be able in manner aforesaid to lease them for. At what rate to be leased.

(4030.) SEC. 6. All lands located by the State for internal improvement purposes, under the grant of five hundred thousand acres by Congress to this State, which may be under lease from the Secretary of War of the United States at the time of said location, may be leased by the said Commissioner to the same lessees or their assigns, and on the same terms of their leases from the said Secretary of War; the said lessees relinquishing all pretension of claim under said United States leases. Lands heretofore leased by Secretary of War, may be let to same lessees on same terms.

(4031.) SEC. 7. If any of said lessees or their assigns shall refuse or neglect to obtain said lease from said Commissioner, after full opportunity to do so, or public notice to that effect, then and in such case, the said Commissioner may lease the same to any person or persons in the way and manner hereinbefore provided for the leasing of primary school lands. When may be leased to others.

(4032.) SEC. 8. All locations of said lands made by the State for internal improvement purposes as aforesaid, and not under lease by the Secretary of War at the time of said location, may be leased by the Commissioner in the way and manner hereinbefore provided for the leasing of primary school lands. Certain other lands to be leased.

(4033.) SEC. 9. After any of the lands mentioned in this act shall have been exposed to lease at auction, if not leased, the Commissioner may then lease them upon private application, for such consideration as is set forth in the fifth section of this act. When may be leased on private application.

